



APPEALS AND REVIEWS COMMITTEE

To: Councillors Shergill (Chair), Capleton (Vice-chair), Cooper, Hacham and Williams

To ensure this meeting is quorate, a number of councillors have identified substitutes who will be attending in their place, so that the membership will be:

Councillors Bentley, Bokor, Capleton, and C. Harris

You are requested to attend the meeting of a Member Conduct Panel to be held in the Committee Room 2, on Wednesday, 30th November 2016 at 2.00pm.

Chief Executive

Southfields
Loughborough

22nd November 2016

AGENDA

1. APOLOGIES
2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS
3. DETERMINATION OF AN APPEAL FROM COUNCILLOR JANET MIDGLEY OF SYSTON TOWN COUNCIL AGAINST THE DECISIONS OF A PANEL OF THE MEMBER CONDUCT COMMITTEE (Ref: MC1a 16/17)

The Committee is asked to consider an appeal from Councillor Janet Midgley of Syston Town Council against a decision of a Panel of the Member Conduct Committee on 7th October 2016 that she had breached the Code of Conduct of

the Town Council in respect of several of her actions, and that as a consequence specified sanctions against her together with other suggestions to improve relationships and practices should be recommended to the Town Council. A report of the Monitoring Officer setting out details of the appeal, the pre-hearing process and the procedure to be followed at the meeting is attached at page 3.

Meetings of the Committee are subject to the provisions of Part 1 of Schedule 12A to the Local Government Act 1972. The Monitoring Officer has concluded that there are sections within the agenda papers which include exempt information to which the press and public should not have access. The reasoning behind this is set out on page 3 and in paragraph 1 of the original report of the Monitoring Officer submitted to the member Conduct Panel. The complete version of the agenda papers circulated to members of the Committee, Councillor Midgley and her husband, and witnesses show these sections highlighted in yellow.

It is, therefore, recommended that members of the press and public be excluded from the meeting during any detailed consideration by the Committee of those aspects of the appeal by Councillor Midgley on the grounds that it will involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

THOSE SECTIONS OF THIS REPORT HIGHLIGHTED
IN YELLOW ARE NOT FOR PUBLICATION BY VIRTUE
OF PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A
TO THE LOCAL GOVERNMENT ACT 1972

APPEALS AND REVIEWS COMMITTEE – 30TH NOVEMBER 2016

Report of the Monitoring Officer

ITEM 3 DETERMINATION OF AN APPEAL FROM COUNCILLOR JANET MIDGLEY OF SYSTON TOWN COUNCIL AGAINST THE DECISIONS OF A PANEL OF THE MEMBER CONDUCT COMMITTEE (Ref: MC1a 16/17)

Reasons for Partial Exemption

It is recommended that members of the public be excluded from the meeting during the consideration of any of the sections highlighted in yellow within this report on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, and the public interest in maintaining the exemption outweighs the public interest of disclosing the information. The information highlighted in yellow within the report refers to personal information about individuals.

Purpose of the Report

To enable the Committee to consider an appeal from Councillor Janet Midgley of Syston Town Council against a decision of a Panel of the Member Conduct Committee on 7th October 2016 that she had breached the Code of Conduct of the Town Council in respect of several of her actions, and that as a consequence specified sanctions against her together with other suggestions to improve relationships and practices should be recommended to the Town Council.

Background

The Member Conduct Panel's Decisions

1. At a hearing on 7th October 2016, a Panel of the Member Conduct Committee considered the findings of an investigation into a complaint which had been made against Councillor Janet Midgley by the Town Manager, Mrs Catherine Voyce.
2. The original report to the Panel, which includes the Investigator's report, is attached at Appendix A, and the minutes of the Panel are attached as Appendix B.
3. In relation to the complaint, the Panel's resolutions and supporting reasons were:
 1. *that the Panel's decision in relation to the material facts was that Councillor Midgley did raise gossip about Mrs Voyce with her and others, and in doing so, she failed to comply with the following requirements of the Town Council's Code of Conduct:*

- Paragraph (i) – Valuing staff and engaging with them in an appropriate manner that underpins mutual respect;
- Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Harassment, Bullying and Discrimination Policy);

and the Dignity at Work Policy did not apply to this breach of the Code of Conduct, as it was believed to have been adopted by Syston Town Council on 24th November 2015 which was after the occurrence of these episodes;

2. that the Panel's decision in relation to the material facts was that Councillor Midgley did pursue information on stationery costs, but that in doing so, she did not breach the Town Council's Code of Conduct; however, the Panel stated that it did not condone Councillor Midgley's actions in relation to this matter;
3. that the Panel's decision in relation to the material facts was that Councillor Midgley did prevent Mrs Voyce from speaking at Committee meetings and in doing so, she failed to comply with the following requirements of the Code of Conduct:
 - Paragraph (e) – Listening to statutory officers and taking all relevant information into consideration;
 - Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies);
 - Paragraph (j) – Always treating people with respect, including those you work alongside;
4. that the Panel's decision in relation to the material facts was that Councillor Midgley did instruct Mrs Voyce about Remembrance Day and in doing so, she failed to comply with the following requirements of the Code of Conduct:
 - Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Harassment, Bullying and Discrimination Policy);
 - Paragraph (j) – Always treating people with respect, including those you work alongside;

and the Dignity at Work Policy did not apply to this breach of the Code of Conduct as it is believed to have been adopted by Syston Town Council on 24th November 2015, which was after the occurrence of this episode;

5. that the Panel's decision in relation to the material facts was that Councillor Midgley did communicate with Mrs Voyce about the burning down of a shed on Town Council allotments, but that in doing so, she did not breach the Town Council's Code of Conduct; however, the Panel stated that it did not condone Councillor Midgley's actions in relation to this matter;
6. that the Panel's decision in relation to the material facts was that the general conduct of Councillor Midgley towards Mrs Voyce overwhelmingly failed to comply with the following requirements of the Code of Conduct:
 - Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work policy after its adoption on 24th

November 2015, and the Harassment, Bullying and Discrimination Policies);

- *Paragraph (j) – Always treating people with respect, including those you work alongside.*

Reasons

- 1. The Panel considered that, on the balance of probability, Councillor Midgley had raised gossip about Mrs Voyce with her and others and that in doing so she had breached the Code of Conduct.*
 - 2. Although the Panel did not condone the behaviours exhibited by Councillor Midgley, when considering this episode in isolation it did not believe it constituted a breach of the Code of Conduct.*
 - 3. The Panel considered that, on the balance of probability, Councillor Midgley had prevented Mrs Voyce from speaking at Committee meetings and that in doing so she had breached the Code of Conduct*
 - 4. The Panel considered that, on the balance of probability, Councillor Midgley had instructed Mrs Voyce about Remembrance Day and that in doing so she had breached the Code of Conduct.*
 - 5. Although the Panel believed the expectations of Councillor Midgley were unreasonable and did not condone her behaviour in relation to this matter, when considering this event in isolation it did not believe it constituted a breach of the Code of Conduct.*
 - 6. The Panel considered that, on the balance of probability, the general conduct of Councillor Midgley in respect of Mrs. Voyce was overwhelmingly in breach of the Town Council's Code of Conduct.*
- 4. Having concluded that there had been breaches of the Code of Conduct by Councillor Midgley, the Panel consequently resolved that it be recommended to Syston Town Council:*
- 1. that a formal letter is issued to Councillor Midgley setting out the breaches of the Code of Conduct as identified by the Panel;*
 - 2. that the Council remove Councillor Midgley from her appointment as Chair of the Amenities Committee, and prevent her from holding the position of Chair or Vice-chair of any other Council committee or the Council itself for a minimum period of 18 months;*
 - 3. that the Council should give serious consideration to engaging professional mediation services in order to improve the specific situation between Councillor Midgley and Mrs Voyce, and also to engaging professional assistance in order to promote good governance and improve working practices both between councillors, and between councillors and employees.*

The Chair particularly wished to remind Syston Town Council, in light of the Investigating Officer's comments, of the Nolan principles of selflessness and leadership on behalf of the public.

Reasons

- 1&2. Having given due consideration to Councillor Midgley's personal circumstances and her record of service as a councillor, the Panel felt that these sanctions were appropriate;*
- 3. The Panel wished to make further recommendations to improve relationships and practices within the Town Council.*

Councillor Midgley's Appeal

5. Councillor Midgley's appeal, which is attached in full at Appendix C, relates to the resolutions of the Panel as set out under the following headings. In summary, the appeal is made on the following grounds:
 - the Panel's decisions could have been influenced by an untrue reference made about a previous Town Manager during the hearing;
 - the Town Council has made payments in the current financial year for a weekend litter picker/street cleaner, although it was stated during the hearing that no such person is employed, and that Councillor Midgley did not speak directly to the Town Manager about Remembrance Day arrangements, which was one of the instances in respect of which the Panel concluded that Councillor Midgley had breached the Code of Conduct;
 - the Town Manager did not invoke the Town Council's Grievance Policy before making a Code of Conduct complaint against Councillor Midgley;
 - the sanctions recommended by the Panel are unduly harsh.

a) Reference to a Previous Town Manager During the Hearing

6. REDACTED - EXEMPT INFORMATION

7. REDACTED - EXEMPT INFORMATION

8. REDACTED - EXEMPT INFORMATION

9. REDACTED - EXEMPT INFORMATION

10. REDACTED - EXEMPT INFORMATION

11. REDACTED - EXEMPT INFORMATION

b) Weekend Litter Picker / Street Cleaner and Remembrance Day

12. Councillor Midgley indicates within her appeal that the Town Manager and Councillor Ken Pacey both gave evidence to the Panel that Syston Town Council does not employ a weekend litter picker / street cleaner, but that in this financial year the Town Council has paid £1,125.66 to such a person.
13. Councillor Midgley also indicates within her appeal that she did not speak directly to the Town Manager about Remembrance Day and cannot be responsible for the message given by a third person, and that this was never investigated.
14. The Monitoring Officer advises that both these issues relate to point 4 within the Panel's resolutions, which covers instructions given by Councillor Midgley to the Town Manager about Remembrance Day.
15. Clarification has been sought from Syston Town Council about the employment of a weekend litter picker / street cleaner, and it has been confirmed that the Town Council employs a litter picker to work in two parks on Saturdays from 1st April to 31st October only. (i.e. the summer months). Therefore there would have been no relevant employee available for the Remembrance Day parade, which was on a Sunday in November.
16. In relation to the second point, the Monitoring Officer can confirm that the documentation submitted by the Town Manager with her original complaint,

which was included in the Investigator's report considered by the Panel, stated that on 6th November the Town Manager 'received a message via US' (US being another Town Council employee) 'to remove all the hanging baskets from memorial parade route' and 'also to make sure the route was clear of rubbish on the Sunday, by walking the route on Sunday morning'. Therefore the Panel was aware at the hearing that Councillor Midgley did not speak directly to the Town Manager about the matters in question. The Monitoring Officer has reviewed the notes taken during the hearing on 7th October 2016 and can also confirm that Mrs Voyce was questioned on this matter during its consideration.

17. During the pre-hearing process for the appeal, the Investigator has responded to this particular point as follows:

'The conduct in question related to Remembrance Day 2015, i.e. the financial year 2015/16. Any Town Council spending in the current financial year, i.e. 2016/17, is therefore not relevant.'

The issue is not whether the Town Council has spent money on a 'weekend' street cleaner but whether it employed one who worked on a Sunday. The clear evidence from both the Town Manager and the Chairman of the Council at that time was that the Town Council did not employ any staff who worked on a Sunday.

Councillor Midgley did not make this claim during my investigation and her representative did not raise it at the hearing, where it could have been dealt with.

The intention of Councillor Midgley's instruction was indeed investigated. Her instruction was given via the Deputy Town Manager, Ursula Southan, but intended for action by Mrs Voyce. As Town Manager, Mrs Voyce was responsible for dealing with the instruction and was the person who would be attending the Remembrance Day ceremony'.

18. During the pre-hearing process, Councillor Midgley has further stated that:

*'Where I concede that now a litter picker is only employed in the summer months I was under the impression the Town Manager, like her predecessors, employed a person for Remembrance Day, therefore in my mind why would I even mention it? The fact is I not only didn't speak to the Town Manager but also I never mentioned litter. I did indeed speak to the Deputy Town Manager and **asked** if the dead hanging baskets on the memorial and along the route were removed and nothing else. As I have stated previously I cannot be responsible for messages that have been transmitted incorrectly. The Town Manager and I are saying opposites.*

*The last point is in the final report, page 57 item 11, the Town Manager states 'I asked her **personally** to clear the streets of litter on the Sunday morning'. This had been at odds with all the other statements she made.*

19. The Monitoring Officer therefore advises that the issue of the employment of a litter picker / street cleaner raised within the appeal has been resolved during the pre-hearing process, but that the issue of whether the Panel was sufficiently aware that Councillor Midgley spoke to another employee rather than directly to

the Town Manager about Remembrance Day arrangements remains to be considered.

c) Grievance Policy

20. Councillor Midgley indicates within her appeal that the Town Manager did not make use of the Town Council's Grievance Policy before submitting a Code of Conduct complaint about her to the Monitoring Officer.
21. The Monitoring Officer advises that this issue was raised by Councillor Midgley's representative on more than one occasion at the hearing on 7th October 2016, and that the Panel was therefore aware that the Grievance Policy had not been invoked. However, there is no requirement that complainants should raise concerns about a Councillor's conduct under any other policies which may apply before making a Code of Conduct complaint, and the Panel was only able to consider whether the evidence available to them indicated whether or not there had been a breach of the Code of Conduct of Syston Town Council.
22. During the pre-hearing process for the appeal, the Investigator has responded to this particular point as follows:

'It may be that the Town Council's Grievance Procedure could have been invoked but this does not take away or excuse Councillor Midgley's conduct towards Mrs Voyce.

Councillor Pacey told me at interview, and gave evidence to the Panel, that a meeting did take place at which Mrs Voyce put her concerns to Councillor Midgley. Evidence from Councillor Pacey and Mrs Voyce was that the meeting did not improve matters'.

23. During the pre-hearing process for the appeal, Councillor Midgley has further stated that:

'This is part of the several policies adopted by Syston Town Council, written / downloaded by the Town Manager. I am at a loss why someone well versed in this policy did not invoke its fundamentals at the onset. Whereas I am aware that it is not necessary to go this way I feel the Monitoring board was the Town Manager's main objective'.

d) Sanctions Recommended by the Panel

24. Having concluded that there had been several breaches of the Code of Conduct of Syston Town Council by Councillor Midgley, the Panel consequently resolved to make recommendations to Syston Town Council as set in paragraph 3, which included a sanction of removing Councillor Midgley from her appointment as Chair of the Amenities Committee and preventing her from holding any appointment as a Chair or Vice-chair for a period of at least 18 months.
25. Within her appeal, Councillor Midgley indicates that she feels that the sanctions recommended by the Panel are unduly harsh, but that she would fully accept a recommendation of mediation. She further states that she has continued in her

chairmanship of the Amenities Committee throughout the period of the investigation without any further problems, and that this demonstrates her ability to work with the Town Manager and fellow Councillors.

26. The Monitoring Officer advises that during the hearing on 7th October 2016, the Town Manager referred to the situation whereby Councillor Midgley had been having no contact or dealings with her since she had made the complaint against her, and Councillor Midgley's representative had explained that this was correct and that it was in accordance with the Town Council's Standing Orders which specify that if a complaint is made by the proper officer (i.e. the Town Manager), then another proper officer should deal with relevant matters during any investigation. Therefore the amount of contact between Councillor Midgley and the Town Manager recently has been much less than would normally be the case.
27. The Monitoring Officer also advises that the Panel did recommend that Syston Town Council '*should give serious consideration to engaging professional mediation services in order to improve the specific situation between Councillor Midgley and Mrs Voyce*'.
28. During the pre-hearing process for the appeal, the Investigator has responded to this particular point as follows:

'I found that Councillor Midgley exhibited a consistent and persistent pattern of behaviour towards Mrs Voyce over a ten month period. The Panel agreed with my findings that Councillor Midgley had breached the Code of Conduct nine times across four different Code requirements.

In my experience of seven years of investigating standards complaints, this was a serious case of harassment and lack of respect. It had a substantial impact on Mrs Voyce.

In this context, I believe the Panel's recommendations are entirely appropriate and justified. I believe it is essential that mediation is attempted to improve the relations between Councillor Midgley and Mrs Voyce. Councillor Midgley herself feels this would be beneficial.

I also fully support the Panel's recommendation for professional assistance to promote good governance and improved working practices amongst Councillors and employees more generally.

From representations I have continued to receive from the Town Manager, I am certain that she would not agree that Councillor Midgley has continued in her chairmanship of the Amenities Committee "without any further problem".

I believe it would not be appropriate for Councillor Midgley to remain the Chair of the Amenities Committee whilst mediation and training activities were under way and until they had proved successful. I therefore strongly support the Panel's recommendation that Councillor Midgley should be removed from the role of Chair or Vice Chair of any committee for a minimum period of 18 months'.

29. During the pre-hearing process for the appeal the Independent Person, Mrs Christine Howell, has also been consulted by the Monitoring Officer and has responded to this particular point as follows:

'My thoughts are Councillor Midgley can still be a committee member, but not chair or vice chair giving other councillors the opportunity to take on these roles. This would allow different styles of chairing these meetings to be experienced. Also taking into account Councillor Midgley's health issues I feel the panel's decision to be fair, and would allow a time of reflection and healing for all concerned'.

30. During the pre-hearing process for the appeal, Councillor Midgley has further stated that:

'As I previously stated I feel the judgement is unduly harsh.

The major complaints have been my dealings with the Town Manager at Amenity meetings. Since June I have had normal contact with the Town Manager at these meetings and also at various panel meetings and there has been no problems. I agree I have had no other contact with the Town Manager outside this forum and it seems to work. It is very difficult to deal with these people when one knows that the statements made in writing and verbally are untruths.

The statements made are all based on opinion, most of them biased, and there have been no hard facts presented. I have never denied anything I have done but they were all done with a valid reason and taken out of context.

In June I was re elected as the Chairman of the Amenities Committee, something I have been for over 20 years, the Committee cast their vote knowing I was under investigation by this board and they chose myself rather than Councillor Pacey.

STC will be asked to vote on the recommendations of this panel and I feel this would be detrimental to them and create a split in the Council. This is the last thing in the world I would want for the Council or the electorate'.

Findings of the Panel in relation to breaches of the Code of Conduct which are not included within the Appeal

31. Councillor Midgley's appeal does not include reference to the findings of the Panel in relation to the following further breaches of the Code of Conduct which were identified:

- *That the Panel's decision in relation to the material facts was that Councillor Midgley did raise gossip about Mrs Voyce with her and others, and in doing so, she failed to comply with the following requirements of the Town Council's Code of Conduct:*
 - *Paragraph (i) – Valuing staff and engaging with them in an appropriate manner that underpins mutual respect;*
 - *Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Harassment, Bullying and Discrimination Policy);*

and the Dignity at Work Policy did not apply to this breach of the Code of Conduct, as it was believed to have been adopted by Syston Town Council on 24th November 2015 which was after the occurrence of these episodes;

And:

- *That the Panel's decision in relation to the material facts was that Councillor Midgley did prevent Mrs Voyce from speaking at Committee meetings and in doing so, she failed to comply with the following requirements of the Code of Conduct:*
- *Paragraph (e) – Listening to statutory officers and taking all relevant information into consideration;*
 - *Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies);*
 - *Paragraph (j) – Always treating people with respect, including those you work alongside.*

Issues to be Determined by the Committee

32. The Committee will need to consider and determine the following matters in relation to Councillor Midgley's appeal:

- A. Whether they consider that the statement made by Mrs Voyce during the hearing on 7th October 2016 referring to a previous Town Manager (see paragraphs 6 to 11) influenced the Panel's decision in relation to Councillor Midgley's general conduct towards the Town Manager. If so, and taking into account the other issues raised within the appeal and also the two breaches of the Code of Conduct by Councillor Midgley which are not included within the appeal, whether this would affect the conclusion that was reached by the Panel in relation to the relevant point, which was that:

'that the Panel's decision is that the general conduct of Councillor Midgley towards Mrs Voyce overwhelmingly failed to comply with the following requirements of the Code of Conduct:

- *Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work policy after its adoption on 24th November 2015, and the Harassment, Bullying and Discrimination Policies);*
- *Paragraph (j) – Always treating people with respect, including those you work alongside'.*

- B. Whether they consider that the Panel was sufficiently aware that Councillor Midgley did not speak directly to the Town Manager about the Remembrance Day arrangements rather than via another employee (see paragraphs 12 to 19), and if they conclude that the Panel was not sufficiently aware, whether this should result in a different decision than that arrived at by the Panel, which was that:

'that the Panel's decision in relation to the material facts was that Councillor Midgley did instruct Mrs Voyce about Remembrance Day and in doing so, she failed to comply with the following requirements of the Code of Conduct:

*Paragraph (h) – Behaving in accordance with the Council’s policies (in respect of the Council’s Harassment, Bullying and Discrimination Policy);
Paragraph (j) – Always treating people with respect, including those you work alongside;*

and the Dignity at Work Policy did not apply to this breach of the Code of Conduct as it is believed to have been adopted by Syston Town Council on 24th November 2015, which was after the occurrence of this episode’.

- C. Whether they consider that the Panel was sufficiently aware that the Town Manager had not invoked the Town Council’s Grievance Policy before making a Code of Conduct complaint against Councillor Midgley (see paragraphs 20 to 23), and if they conclude that the Panel was not sufficiently aware, whether they consider that this should have had any effect on the decisions reached by the Panel. In considering this issue, the Monitoring Officer advises the Committee to be mindful of the following (as already set out in paragraph 21):

‘there is no requirement that complainants should raise concerns about Councillor’s conduct under any other policies which may apply before making a Code of Conduct complaint, and the Panel was only able to consider whether the evidence available to them indicated whether or not there had been a breach of the Code of Conduct of Syston Town Council’.

- D. Depending on the conclusions reached in relation to A) to C), the relevant issues raised within the appeal and during the pre-hearing process for the appeal (see paragraphs 24 to 30), and taking into account the two breaches of the Code of Conduct by Councillor Midgley which are not included within the appeal, whether they consider that the sanctions against Councillor Midgley recommended to Syston Town Council by the Panel, as set out in paragraph 3, and specifically in points 1 and 2, were unduly harsh and if so what, if any, alternative sanctions would they wish to recommend.

Procedure for the Meeting

33. The Monitoring Officer is making arrangements for the following persons to be available as witnesses during the Committee meeting in order to answer any questions or provide any clarification that may be required by the Committee or other relevant parties:
- a) Mrs Catherine Voyce (Town Manager),
 - b) Councillor Ken Pacey (Syston Town Councillor),
 - c) Councillor Joan Tassell (member of the Member Conduct Panel which met on 7th October 2016).
34. Councillor Midgley has indicated that she will attend the meeting herself, and that she will be accompanied by her husband (who represented her at the original hearing).
35. The Investigator and the Independent Person will not be attending the meeting, but they have both been consulted during the pre-hearing process and have made representations which are set out within this report.

36. The process which the appeal meeting will follow will be as follows:

- a) Each of the specific grounds for appeal will be considered individually in the following order:
 - (i) the reference to a previous Town Manager during the original hearing;
 - (ii) issues around Remembrance Day;
 - (iii) issues around the Grievance Policy;
 - (iv) the sanctions recommended by the original Panel.
- b) For each of the grounds for appeal the process will be:
 - (i) The Monitoring Officer will summarise the matter in question and will confirm that all relevant parties understand the issues under consideration,
 - (ii) Councillor Midgley will present her case regarding the specific matter and may be questioned by the Committee,
 - (iii) Relevant witnesses may be questioned by Councillor Midgley and by the Committee,
 - (iv) The Monitoring Officer will refer to the Investigator's responses and to any comments made by the Independent Person,
 - (v) Councillor Midgley will sum up regarding the specific matter.
- c) When all the grounds for appeal have been considered the Committee will retire to consider the appeal in private, accompanied by the Monitoring Officer and the officer recording the proceedings, before re-convening and announcing the decisions on each of the grounds for appeal.
- d) If none of the grounds for appeal are upheld, then the meeting will close and the recommendations of the original Panel will stand.
- e) If any of the grounds for appeal are upheld, Councillor Midgley and the Member of the Member Conduct Panel will be invited to make submissions to the Committee before it withdraws to consider whether any of the recommendations made by the original Panel should be amended or withdrawn.
- f) The Committee will then re-convene and will announce its decisions as to whether any of the original recommendations are to be amended.
- g) The decisions of the Committee are final and there is no further right of appeal.

APPENDICES

Appendix A: Original Report to the Panel for 7th October 2016 (pages A1 – 102)

Appendix B: Minutes of the Panel Meeting on 7th October 2016 (page B1 - 9)

Appendix C: Councillor Midgley's Letter of Appeal (page C1-2)

Officer to Contact: Adrian Ward
Monitoring Officer
(01509) 634573
adrian.ward@charnwood.gov.uk

THOSE SECTIONS OF THIS REPORT HIGHLIGHTED
IN YELLOW (OR MARKED AS REDACTED IN THE PUBLIC VERSION OF
THE REPORT) ARE NOT FOR PUBLICATION BY VIRTUE
OF PARAGRAPH 1 OF PART 1 OF SCHEDULE 12A
TO THE LOCAL GOVERNMENT ACT 1972

MEMBER CONDUCT PANEL – 7TH OCTOBER 2016

Report of the Monitoring Officer

ITEM DETERMINATION OF A COMPLAINT OF A BREACH OF THE MEMBERS' CODE OF CONDUCT OF SYSTON TOWN COUNCIL BY COUNCILLOR JANET MIDGLEY (Ref: MC1a 16/17)

Reasons for Partial Exemption

It is recommended that members of the public be excluded from the meeting during the consideration of any of the sections highlighted in yellow within this report on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, and the public interest in maintaining the exemption outweighs the public interest of disclosing the information. The information highlighted in yellow in the report refers to personal information about individuals. In addition other personal information unrelated to the complaint has been redacted.

Purpose of the Report

1. To enable the Panel to determine a complaint of a breach of the Members' Code of Conduct of Syston Town Council (the Town Council), which was referred for investigation by the Monitoring Officer in accordance with the Borough Council's arrangements for dealing with complaints about member conduct under the Localism Act 2011.

Background

2. In April 2016 a complaint was received from Mrs Catherine Voyce, the Town Manager at the Town Council, that Councillor Janet Midgley together with another member of the Town Council had failed to comply with the Council's Members' Code of Conduct. In summary, the complaint raised the following list of concerns about the two Councillors' conduct relating to various dates from June 2015:
 - Consistent breaches of the Town Council's Members' Code of Conduct;
 - Persistent and systematic staff harassment and bullying;
 - Breach of the Disclosure of Interests policy;
 - Breach of the Equality Act 2010;

- Breach of the Harassment and Bullying Policy adopted by Syston Town Council;
 - Breach of the Dignity at Work Policy adopted by Syston Town Council;
 - Non-compliance with the Good Councillor Guide issued to all Town Councillors on election to the Council.
3. An initial fact finding review was undertaken by the Monitoring Officer, who concluded that as Mrs Voyce's complaint lacked specific individual allegations about each of the two Councillors concerned it was difficult to determine what each Councillor personally was alleged to have done which may have represented a breach of the Code of Conduct. He therefore proposed that Mrs Voyce should be given the opportunity to submit any detailed allegations that she wished to make individually against Councillor Janet Midgley and the other Councillor, including, where applicable, dates, any documentary evidence that may be available, and details of witnesses. This conclusion was supported by the Independent Person, Mrs Howell.
4. Mrs Voyce subsequently submitted a more detailed and specific complaint against Councillor Midgley on 7th May 2016, which as well as the original general concerns (listed in paragraph 2 above) also raised the following allegations against Councillor Midgley with supporting examples and evidence:
- Attempts to break and humiliate Mrs Voyce in private and in front of the Council and all Councillors and the public gallery;
 - Presenting devious and underhand questions by email and personally, often allowing Mrs Voyce no time to prepare suitable replies and distracting her from her work;
 - Subjecting Mrs Voyce to unwarranted and detrimental criticisms, unfounded and erroneous allegations, and distortion of Mrs Voyce's words and actions;
 - Quoting Christian practices and criticising Mrs Voyce for non-compliance with those practices;
 - Using the position of Councillor to mislead outside organisations by deliberate misinterpretation of policies adopted by the Council;
 - Representing outside bodies at Council meetings and not declaring an interest.
5. The Monitoring Officer undertook a further fact finding review, and concluded that:
- The complaint from Mrs Voyce was complex and covered a number of different issues, as well as a time period of many months;
 - It was clear from Councillor Midgley's response to the complaint that several of the instances raised by Mrs Voyce within her evidence did occur, but that her interpretation of them differed from Mrs Voyce's;
 - It was also apparent that from her responses that Councillor Midgley did to an extent accept that there had been some difficulties between herself and Mrs Voyce. For example she did submit a formal complaint about Mrs Voyce and the Vice-chair of the Town Council, although she also

stated that she was disappointed that none of the concerns had been raised previously with her by either Mrs Voyce or by the Chair of the Vice-chair of the Town Council;

- Some of the concerns raised within the complaint could, if substantiated, represent potential breaches of the Code of Conduct of Syston Town Council, and therefore an investigation was required to examine the issues in more detail, particularly given the complexity of the complaint and the different interpretations of events put forward by Mrs Voyce and Councillor Midgley.

6. The Independent Person, Mrs Howell, was also consulted, and she agreed with the conclusion of the Monitoring Officer that an investigation into the complaint was required. The Monitoring Officer therefore appointed Mr Tim Darsley as the Investigator.

7. At the conclusion of the investigation, the Investigator's report (which is attached as Annex 2) was considered by the Monitoring Officer who, having consulted again with the Independent Person, decided that Councillor Midgley had a case to answer and that the report should be referred to a Panel of the Member Conduct Committee for a hearing. The Independent Person agreed with this decision.

8. The individual elements of the complaint to be determined, and the relevant sections of the Code of Conduct of the Town Council are that:

(a) Councillor Midgley raised gossip about Mrs Voyce with her and others (sections 6.3 to 6.9 of the Investigator's report). In doing so her engagement with Mrs Voyce was neither appropriate nor respectful, and that her conduct was hurtful, humiliating and intimidating to Mrs Voyce, and failed to comply with the following requirements of the Town Council's Code of Conduct:

- Paragraph (i) – Valuing staff and engaging with them in an appropriate manner that underpins mutual respect;
- Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies).

(b) Councillor Midgley pursued information on stationery costs (sections 6.10 to 6.16 of the Investigator's report). In doing so, and pursuing it to the point of an altercation, Councillor Midgley did not engage appropriately with Mrs Voyce, and failed to comply with the following requirement of the Town Council's Code of Conduct:

- Paragraph (i) – Valuing staff and engaging with them in an appropriate manner that underpins mutual respect.

(c) Councillor Midgley prevented Mrs Voyce from speaking at Committee meetings (sections 6.21 to 6.27 of the Investigator's report). In doing so, she failed to listen to relevant advice from Mrs Voyce and also prevented the Committee from receiving it, and the manner in which she did this was demeaning and undermining of Mrs Voyce and also disrespectful to

her, and failed to comply with the following requirements of the Code of Conduct:

- Paragraph (e) – Listening to statutory officers and taking all relevant information into consideration;
- Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies);
- Paragraph (j) – Always treating people with respect, including those you work alongside.

(d) Councillor Midgley instructed Mrs Voyce about Remembrance Day (sections 6.28 to 6.33 of the Investigator's report). In doing so, her instructions were demeaning and humiliating to Mrs Voyce, and showed little value or respect for her role and contribution at the Town Council, and failed to comply with the following requirements of the Code of Conduct:

- Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies);
- Paragraph (j) – Always treating people with respect, including those you work alongside.

(e) Councillor Midgley's communication with Mrs Voyce about the burning down of a shed on Town Council allotments (sections 6.40 to 6.43 of the Investigator's report). In this communication she was hostile and intimidating towards Mrs Voyce and engaged in an angry altercation with her, and failed to comply with the following requirements of the Code of Conduct:

- Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies);
- Paragraph (i) – Valuing staff and engaging with them in an appropriate manner that underpins mutual respect.

(f) The general conduct of Councillor Midgley towards Mrs Voyce (sections 6.44 to 6.49 of the Investigator's report). Councillor Midgley's general conduct towards Mrs Voyce was of harassment and lack of respect, and failed to comply with the following requirements of the Code of Conduct:

- Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies);
- Paragraph (j) – Always treating people with respect, including those you work alongside.

9. The Borough Council has adopted a procedure for determining complaints about the conduct of parish and town councillors within the Borough of Charnwood. The relevant sections within that procedure will be used for this hearing, and are set out in Annex 1 to this report.

10. In accordance with that procedure, the Panel is asked to consider the material facts and decide whether they amount to a breach of the Code of Conduct of the Town Council by Councillor Midgley. The Code of Conduct of the Town Council is set out in Annex 5 to this report.
11. The Independent Person involved in the case, Mrs Howell, will also be present to advise the Panel in relation to her views on the matter.
12. If the Panel finds against Councillor Midgley they will then need to consider whether they feel it is appropriate to recommend the imposition of a sanction to Syston Town Council.
13. If so, they may decide on recommending one or more of the following sanctions:
 - (i) issue a formal letter to the Member setting out the breach of the Code which has been identified;
 - (ii) censure the Member;
 - (iii) remove the Member from committee(s) and other appointments;
 - (iv) that the Member undertake training or issue an apology.
14. The Panel is also able to make more general recommendations with a view to promoting high standards of conduct.

Pre-Hearing Process

15. The Monitoring Officer has undertaken a pre-hearing process, which is designed to enable the hearing to take place fairly and as efficiently as is reasonably practicable, through conveying to the Panel those aspects, issues and matters related to the Investigator's report and the observations or representations made or received in respect of it that are relevant to the matter which was the subject of the investigation.
16. Councillor Midgley's pre-hearing submission is attached as Annex 3 of the report, and the Investigator's response to Councillor Midgley's submission is attached as Annex 4.
17. As Councillor Midgley has indicated that she is not well enough to attend any hearing, she has requested that she be represented at the hearing by her husband, Councillor Howard Midgley.
18. Councillor Midgley has indicated that she would like to call up to seven witnesses, who are named within her submission (Annex 3), and the Investigator has indicated that he would like to call up to two witnesses as named in his submission (Annex 4).
19. The Investigator's report includes references to 'gossip' that formed part of the complaint and therefore was considered during the investigation. In the view of the Monitoring Officer, the subject matter of the gossip falls within the classification of exempt information under the provisions of the Local

Government Act 1972. In addition, in her response to the Investigator's report Councillor Midgley has provided some medical information which also falls within the classification of exempt information. The relevant sections are highlighted in yellow within the Annexes to this report.

ANNEXES

- Annex 1: Extract from the Council's Arrangements for Dealing with Complaints About Member Conduct under the Localism Act 2011
- Annex 2: Investigating Officer's Report (including schedule of evidence of 18 documents)
- Annex 3: Pre-hearing Submission from Councillor Midgley (including 8 emails as evidence)
- Annex 4: Investigator's Response to Councillor Midgley's Pre-hearing Submission
- Annex 5: Code of Conduct of Syston Town Council

Officer to Contact: Adrian Ward
Monitoring Officer
(01509) 634573
adrian.ward@charnwood.gov.uk

EXTRACT FROM THE ARRANGEMENTS FOR DEALING WITH COMPLAINTS ABOUT MEMBER CONDUCT UNDER THE LOCALISM ACT 2011

1. Hearing Principles

Hearings are not a court and, therefore, evidence will not be taken on oath and persons attending the Panel will not be expected to stand when addressing the meeting or giving evidence. However, the Panel remains quasi-judicial and the principles of natural justice will be applied. All comments or questions must be put to, or through, the Chair. The Panel will reach its decisions on the balance of probabilities based on the evidence presented to it.

The Member may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person. The Panel may take legal advice, in private if necessary, from its legal adviser at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Panel should be shared with the Member and the Investigator if they are present.

During the course of the hearing, the Panel can ask the Monitoring Officer to obtain further information if the Panel decides that it requires that information in order to reach a decision. The hearing will be adjourned until the Monitoring Officer provides that information. The Panel can make such a request only once per hearing;

2. Hearings by a Panel of Members of the Member Conduct Committee

The Panel will appoint a Chair from among its members. The Chair of the Panel will:

- (i) introduce those present;
- (ii) establish that the hearing is quorate (the Panel's quorum is 3 Borough Council members);
- (iii) deal with any disclosures of interest;
- (iv) ensure that the participants understand the procedure to be followed;
- (v) ensure that the Member, if unaccompanied, was made aware that he or she could have been represented.

Meetings of the Panel are subject to the provisions of Part VA of the Local Government Act 1972. The Monitoring Officer will consider whether the agenda papers include exempt information to which the press and public, including the complainant and the Member, should not have access.

If the Member is not present, the Panel will consider any indication from the Member that he/she would not be present and any reasons provided. The

Panel will then determine whether to hold the hearing in the absence of the Member or adjourn the hearing to another date.

The Investigator will put the case against the Member and may call witnesses. The Member and/or his/her representative may ask questions of the investigating officer and any witnesses. The Panel may ask questions of the investigating officer and any witnesses.

The Member and/or his/her representative will put his/her case and may call witnesses. The Investigator may ask questions of the Member and any witnesses. The Panel may ask questions of the Member and any witnesses.

The Investigator will sum up first, followed by the Member and/or his/her representative. No new evidence may be introduced at this stage.

The Panel may withdraw to consider the case and come to a decision in private. The Monitoring Officer and the officer recording the proceedings will remain with the Panel. If it is necessary to recall either party to clarify certain points, both parties will return. On their return, the Chair will announce the Panel's decision in respect of the material facts and whether they amounted to a breach of the code of conduct.

If the Panel finds against the Member, he/she will be asked if he/she wishes to respond to the finding before the Panel considers whether to impose a sanction. If the Panel finds against the Member, the Panel may impose one or more of the following sanctions:

- (i) issue a formal letter to the Member setting out the breach of the Code which has been identified;
- (ii) censure the Member;
- (iii) make recommendations to full Council to remove the Member from committee(s) and other appointments unless these are subject to political balance requirements;
- (iv) where political balance requirements apply make recommendations to the relevant Group Leader to remove the Member from committee(s) and other appointments;
- (v) make recommendations to the Leader to remove the Member from the Cabinet
- (vi) recommend that the Member undertake training or issue an apology.

Where the Member is a parish/town councillor the Panel's decision will be in the form of a recommendation to the relevant authority on what sanction to impose.

Once the Panel has sufficient information to enable it to determine whether a sanction should be applied and, if appropriate, what the sanction should be, the Panel may withdraw to consider the representations and evidence in private. On their return, the Chair will announce the Panel's decision.

After considering any verbal or written representations from the Investigator, the Panel will consider whether it should make any recommendations to the

authority, with a view to promoting and maintaining high standards of conduct among members which will be announced by the Chair.

3. After the hearing and appeals

The Panel will announce its decision on the day. The Panel's decision and reasons will be recorded in the form of the minutes of its meeting having regard for any exempt information that it considered and communicated to the relevant parties by letter. The Panel will, wherever possible, issue its full written decision and reasons within 10 working days of the end of the hearing.

The written decision will be provided to the Member, the complainant, the Investigator and where the Member is a parish/town councillor, the Parish/Town Clerk. The written decision will, if a finding has been made that the Member had failed to comply with the Code of Conduct, provide information as to the Member's right to appeal against the finding

Where the Panel has determined that the Member failed to comply with the Code of Conduct, the Monitoring Officer will arrange for the publication of a notice of the Panel's findings and the Member's right to appeal in a local newspaper and on the Borough Council's website.

Where the Panel has determined that the Member did not fail to comply with the Code of Conduct, the Monitoring Officer will arrange for the publication of a notice of the Panel's findings in a local newspaper and on the Borough Council's website unless the Member requests that no notice is published.

If the Panel finds against the Member, the Member may ask for that decision to be reviewed by the Borough Council's Appeals and Review Committee. A request for a review must be made in writing, giving the reasons for the request, to the Monitoring Officer within 10 working days of the date of the written notification of the Panel's decision.

The appeal will normally be heard within 20 working days of the receipt of the written request stating the wish for the finding to be reviewed. The appeal will be conducted following the procedure set out in section 2 above, but will consider only material relevant to the reasons for the review request set out by the Member.

C O N F I D E N T I A L

R e p o r t o f I n v e s t i g a t i o n

F i n a l

**Report of an investigation by Tim Darsley,
appointed by the Monitoring Officer
of Charnwood Borough Council
into allegations concerning Councillor Janet Midgley
of Syston Town Council**

Case Reference: MC1a (16-17)

1 1 A u g u s t 2 0 1 6

C o n t e n t s

- 1. Introduction**
- 2. Councillor Midgley's official details**
- 3. Relevant paragraphs of the Code of Conduct**
- 4. The evidence gathered**
- 5. Findings of fact**
- 6. Reasoning as to whether there has been a failure to comply with the Code of Conduct**
- 7. Findings**
- 8. Schedule of evidence taken into account**

Appendices:

Documents 1 to 18

1. Introduction

- 1.1 Councillor Janet Midgley was last elected to Syston Town Council in May 2015. She had previously been a Town Councillor for some years but had resigned in May 2013. Councillor Midgley was elected as the Chair of the Town Council's Amenities Committee from May 2015 and has held that position to the present.
- 1.2 Catherine Voyce was appointed as Acting Town Manager in October 2014 and worked in parallel with a temporary Acting Town Manager during a six-month handover period. Her employment as Town Manager commenced in January 2015.
- 1.3 Councillor Midgley and Mrs Voyce worked together in their respective roles from May 2015. Difficulties in their relationship emerged and on 3 June 2016 Mrs Voyce made a Code of Conduct complaint about Councillor Midgley's conduct towards her.
- 1.4 Mrs Voyce states that Councillor Midgley's conduct had involved:
- Consistent breaches of the Council Members Code of Conduct,
 - Persistent and systematic staff harassment and bullying,
 - Breach of the Disclosure of Interests Policy,
 - Breach of the Equality Act 2010,
 - Breach of the Harassment and Bullying Policy adopted by Syston Town Council,
 - Breach of the Dignity at Work Policy adopted by Syston Town Council,
 - Non-compliance with the Good Councillor Guide issued to all Town Councillors on election to the Council.
- 1.5 In her complaint, Mrs Voyce summarises Councillor Midgley's conduct as:
- Attempting to break and humiliate her in private and in front of the Council and all Councillors and the public gallery,
 - Presenting devious and underhand questions by email and personally, often allowing her no time to prepare suitable replies and distracting her from her work,
 - Subjecting her to unwarranted and detrimental criticisms, unfounded and erroneous allegations, and distortion of her words and actions,
 - Quoting Christian practices and criticising her for non-compliance with those practices,

- Using the position of Councillor to mislead outside organisations by deliberate misinterpretation of policies adopted by the Council
 - Representing outside bodies at Council meetings and not declaring an interest
- 1.6 Mrs Voyce submitted numerous emails, notes and other documentary evidence in support of her complaint.
- 1.7 Having obtained Councillor Midgley's response to the complaint, the Monitoring Officer assessed the complaint in early June. He considered that at least some of the instances raised by Mrs Voyce within her evidence did occur, but her interpretation of them differed from that of Councillor Midgley.
- 1.8 He concluded that some of the concerns raised within the complaint could, if substantiated, represent potential breaches of the Code of Conduct of Syston Town Council. An investigation was therefore required to examine the issues in more detail, particularly given the complexity of the complaint and the different interpretations of events put forward by Mrs Voyce and Councillor Midgley.
- 1.9 The Monitoring Officer appointed me to investigate the complaint on 10 June 2016.

2. Councillor Midgley's official details

- 2.1 Councillor Midgley was last elected to Syston Town Council in May 2015. She had resigned from the Town Council in May 2013 but prior to that had been a long-standing member of the Council.
- 2.2 As part of her declaration of acceptance of office, Councillor Midgley undertook to be guided by the Town Council's Code of Conduct.
- 2.3 Councillor Midgley has not recently participated in training on the Code of Conduct. A copy of the Code is readily available to her.
- 2.4 Councillor Midgley is currently the Chair of the Amenities Committee

3. Relevant paragraphs of the Code of Conduct

- 3.1 I have investigated Councillor Midgley's alleged conduct in relation to the Code of Conduct of Syston Town Council.
- 3.2 The following paragraphs of the Code of Conduct are relevant:
 - d) Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member/co-opted member of the Council.
 - e) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
 - h) Behaving in accordance with all your legal obligations, alongside any requirements contained within the Council's policies, protocols and procedures, including on the use of the Council's resources.

Under this paragraph, the Council's Dignity at Work and Harassment, Bullying and Discrimination policies are relevant.
 - i) Valuing your colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
 - j) Always treating people with respect, including the organisations and public you engage with and those you work alongside.
- 5(b) Disclosure of other personal interests.

4. The evidence gathered

Documentary evidence

4.1 I have taken account of the following information:

- The complaint and further information submitted by Mrs Voyce.
- A number of emails and notes submitted by Mrs Voyce in support of her complaint.
- The written response of Councillor Midgley to the complaint.
- Agendas and minutes of Syston Town Council (available on the Council's website).

Oral evidence

4.2 I have taken account of oral evidence through interviews with;

- Catherine Voyce, complainant,
- Councillor Ken Pacey, Chairman of the Council 2015/16,
- Councillor Paul Turner,
- Councillor Paul Henry, current Chairman of the Council,
- Terry Bailey, a member of the public, and
- Councillor Janet Midgley, subject member.

4.3 The interviews were recorded. The written records of the interviews were sent to the interviewees for their confirmation of accuracy. The dates of sending the record and of their confirmation that the record is accurate are shown at the end of each record.

4.4 The accounts of the witnesses are shown at documents 12 to 17.

5. Findings of fact

- 5.1 The complaint of Mrs Voyce concerns Councillor Midgley's conduct towards her over the period May 2015 to March 2016. The alleged conduct is set out in the form of descriptions of various incidents and occasions, supplemented by numerous emails and notes.
- 5.2 Having considered all of these and having interviewed Mrs Voyce, it appears that there are seven main episodes of Councillor Midgley's conduct that are of concern. These are:

Episode	Date
Raising gossip about Mrs Voyce with her and others	May, July 2015
Pursuing information on stationery costs	September 2015
The introduction of a new training policy for the Council	October 2015
Instructing Mrs Voyce about Remembrance Day	November 2015
Preventing Mrs Voyce from speaking at Committee meetings	December 2015, February 2016
The impact of the training policy on Syston in Bloom	February 2016
Communication about the burning down of a shed on Council allotments	March 2016

- 5.3 I have sought to establish an accurate and realistic picture of Councillor Midgley's conduct in these episodes from the evidence submitted and the accounts of witnesses. I have also tried to assess Councillor Midgley's behaviour in general towards Mrs Voyce.
- 5.4 I have summarised the relevant evidence and the accounts in table 1 below.

Table 1 - Summary of documentary evidence and accounts

Episode	Documentary evidence	Catherine Voyce (CV)	Cllr Ken Pacey	Cllr Paul Turner	Cllr Paul Henry	Cllr Janet Midgley (JM)
Gossip about Mrs Voyce	-	REDACTED – EXEMPT INFORMATION	REDACTED – EXEMPT INFORMATION	Not mentioned.	Not mentioned.	Was aware of gossip. Told Catherine so she was aware. It reflected badly on the Council.
Stationery costs	JM email 14 Sept. Wanted breakdown of stationery costs by month for last year.	Asked for costs after Panel meeting. JM exploded – shouted she could ask for anything she liked.	Recalled request. Advised CV there were more important things to be done. JM often said she could ask for anything and it had to be done.	Recalled request. JM thought CV was wasting money. Seemed a bit petty.	Recalled request. Thought it was excessive.	Horrified by amount of paper being received. Accepted it was a big job. Denied alleged conduct.
Remembrance Day	-	JM asked for all hanging baskets to be removed, to check route and remove litter on Sunday.	Confirmed no staff work on Sunday.	Not aware of request.	Not aware. Such a request not the responsibility of a councillor.	Didn't remember telling CV to ensure streets clean.

Episode	Documentary evidence	Catherine Voyce (CV)	Cllr Ken Pacey	Cllr Paul Turner	Cllr Paul Henry	Cllr Janet Midgley (JM)
Training Policy	Note to Council - 'very flimsy report, no in depth reasoning or investigation'. 'Develop Town Manager to do a better job'. JM email 3 Feb 'obviously downloaded without thought'	Note contained detrimental remarks about the way you did things.	JM's view was – we'd never had training expenditure before, why now?	JM was complaining that CV doing all the training – wasting money. Comments could be taken as criticism.	Hadn't taken comments as critical of CV.	Not mentioned.
Prevented from speaking	Minutes record CV prevented from reporting. KP email 1 Dec – CV told could not speak – made worse by threatening adjournment. Bordered on bullying. KP email 10 Feb – Attack on CV, not allowing her to speak – rude – sarcastic.	Not allowed to advise Committee on precept. Requests to speak during item ignored. Threatened to adjourn meeting if I didn't shut up. JM shouted you down a lot when you were talking	A horrific meeting. JM stopped CV speaking several times during debates. 'If you carry on I will adjourn meeting'. Similar situation at 9 Feb Amenities – CV stopped from speaking, JM sarcastic and rude.	CV giving information and advice – told to stop speaking. During debate, not after vote. Threatened to close meeting. JM didn't like what CV was saying – told her to stop saying it.	Wanted CV to stop interjecting. Had threatened to close meeting	Accepted hadn't invited CV to present precept item. Didn't remember stopping CV during debate. Up to Chair how long people spoke.

Episode	Documentary evidence	Catherine Voyce (CV)	Cllr Ken Pacey	Cllr Paul Turner	Cllr Paul Henry	Cllr Janet Midgley (JM)
Syston in Bloom and the training policy	JM email 9 Feb. Training Policy ill-thought through.	JM read out email from SIB but didn't declare interest.	Not mentioned.	Hadn't seen muddling of roles re SIB. JM and Cllr H Midgley both declared interests.	Acknowledged some muddling of roles. JM had left declarations.	Not mentioned.
Shed on allotments	-	JM expectation unreasonable. Shouted 'go away, I don't want to speak to you'.	Had witnessed phone call. CV quite upset.	Not mentioned.	Not mentioned.	Probably did raise voice but CV doing the shouting. Said 'I can't speak to you any more'.

	Terry Bailey	Catherine Voyce (CV)	Cllr Ken Pacey	Cllr Paul Turner	Cllr Paul Henry	Cllr Janet Midgley (JM)
General conduct of Cllr Midgley towards Mrs Voyce	JM comments were totally out of order. Dismissive, not nice. Didn't show respect.	Controlling, critical. Emails aggressive in tone. Didn't appreciate your other priorities.	Dealt with CV very aggressively most of time. Didn't treat CV with respect	Abrupt. Critical. An abrasive character.	JM one of the more demanding councillors. Could be abrupt and assertive.	Was not being kept informed. Wanted to know everything.

Gossip about Mrs Voyce

- 5.5 Mrs Voyce and Councillor Midgley met in May 2015 to discuss the agenda for a forthcoming Amenities Committee. It is not disputed that Councillor Midgley raised with Mrs Voyce the matter of gossip about **REDACTED – EXEMPT INFORMATION**.
- 5.6 **REDACTED – EXEMPT INFORMATION**.
- 5.7 Mrs Voyce told me that when she denied this, Councillor Midgley put it to her that **REDACTED – EXEMPT INFORMATION**. At a later meeting Councillor Midgley told her that she had a friend who lived in the flats opposite the council offices who reported all the comings and goings to her.
- 5.8 Councillor Pacey told me that he recalled a meeting with Mrs Voyce where she had been extremely upset because she had just been told by Councillor Midgley that **REDACTED – EXEMPT INFORMATION**. He also said that Councillor Midgley had told him in a phone call that she thought **REDACTED – EXEMPT INFORMATION** and that she got her information from a friend who lived opposite.
- 5.9 Councillor Midgley, at interview, said that there had been gossip and that she told Mrs Voyce because she was unaware of it and it reflected badly on the Council. She did not deny challenging Mrs Voyce about **REDACTED – EXEMPT INFORMATION** or telling her that she received information from a friend who lived opposite.
- 5.10 The account of Mrs Voyce is detailed and specific and I found it credible. It is supported by the Councillor Pacey's evidence.
- 5.11 From the accounts, it seems that Councillor Midgley did more than simply let Mrs Voyce know of the existence of gossip. Regarding this episode, I find that:
- Councillor Midgley put to Mrs Voyce that **REDACTED – EXEMPT INFORMATION**.
 - She challenged Mrs Voyce's explanation of her meetings.
 - She raised the matter with Mrs Voyce on two separate occasions.
 - She told Mrs Voyce that the comings and goings at the Town Council offices were being reported to her.

- She told another councillor that she thought there was **REDACTED – EXEMPT INFORMATION.**

Pursuing information on stationery costs

- 5.12 On 14 September, Councillor Midgley emailed Mrs Voyce to ask for a breakdown of the expenditure for the paper, photocopying, postage and any other costs involved in issuing agendas and papers, per month, from September 2014 to date.
- 5.13 Councillor Midgley told me at interview that she had been horrified by the amount of paper being received. She accepted that it was a big job and would create work but had been prepared to wait. Mrs Voyce at interview said that the implication of the request was that the costs of agendas had increased since she had been in post.
- 5.14 At interview, other witnesses recalled the request. Councillor Turner thought it seemed petty; Councillor Henry thought it was excessive. Councillor Pacey told me that Mrs Voyce had raised it with him and he had advised her that there were more important things to be done.
- 5.15 In her complaint, Mrs Voyce states that after a Civic Reception Panel, Councillor Midgley asked her if she had received her request for information (document 1). When she told her she hadn't prepared it, Councillor Midgley 'exploded' and shouted that, as a councillor, she could ask her to do anything she wanted.
- 5.16 Councillor Midgley denied exploding and saying that she could ask Catherine to do anything she wanted. She said she had been taken aback because the request wasn't being carried out. She did believe, however, that she was entitled to ask for information.
- 5.17 There were no other witnesses to this episode so I cannot find conclusively about the nature of the exchange after the Civic Reception Panel. I do find, however, that;
- Councillor Midgley's request implied criticism of Mrs Voyce's practices in preparing agendas for committee.
 - The request involved a significant commitment of staff resources. It had not been endorsed by any Council committee. Councillor Midgley was not a member of the Resources Committee.
 - When she asked if her request had been actioned and was told that it hadn't, Councillor Midgley engaged in an angry altercation with Mrs Voyce.

Instructing Mrs Voyce about Remembrance Day

- 5.18 At interview, Mrs Voyce told me that, on Friday 6 November, Councillor Midgley asked her to remove all the hanging baskets from the route of the Remembrance Day parade route. She should also make sure the route was clear of rubbish by walking the route on the Sunday morning (see also document 1).
- 5.19 Mrs Voyce told me that, while some hanging baskets had been dealt with, it was quite impractical to have them all removed by the Sunday. She also confirmed that the council did not employ any street cleaning staff or indeed any staff that worked on a Sunday. She had taken it that she was expected to clear any rubbish that was there herself.
- 5.20 Councillor Midgley, at interview, said she wouldn't have said take all the hanging baskets down by Sunday. In her written response to the complaint, however, she stated 'I probably did ask for the hanging baskets to come down'. She also stated that 'we employ a weekend street cleaner' (document 2).
- 5.21 Mrs Voyce's account is clear, while Councillor Midgley's is inconsistent and partially incorrect. In the light of this I find that;
- Councillor Midgley asked Mrs Voyce on the Friday to have all the hanging baskets removed by the Sunday. This was unrealistic.
 - She asked Mrs Voyce to check the parade route on the Sunday and make sure it was clear of litter. This was also unrealistic since no Town Council staff worked on the Sunday. The only way for the request to be carried out was for Mrs Voyce to clear any litter herself.

Introducing the new training policy

- 5.22 In October 2015, the Town Council was developing a new training policy. Mrs Voyce had prepared a proposed policy based on the examples of other councils.
- 5.23 Councillor Midgley was opposed to the new policy, both in its content and its cost. She prepared a note of her views and, because she could not attend, asked for it to be read out at the Council meeting of 27 October (document 3). The note described Mrs Voyce's report on the appointment of an apprentice as 'a very flimsy, short report with no in depth reasoning or investigation'. The note concluded by saying that 'developing the existing Town Manager to do a better job ...' would be more fruitful and cheaper.

- 5.24 Councillor Turner, at interview, recalled that Councillor Midgley was complaining that Catherine was doing all the training. She thought it was wasting the Council's money. He regarded it as indirect criticism of Catherine because she was the one who was organising the training.
- 5.25 Mrs Voyce told me that she felt the note contained detrimental remarks about the way she did things. Although the Chairman did not read out the note at Council, Councillor Midgley had already circulated it to all councillors.
- 5.26 In a later email to Mrs Voyce, Councillor Midgley stated that the policy had obviously been downloaded from NALC or other such place without thought (document 4).
- 5.27 From the documentary evidence and the accounts of witnesses, I find that;
- Whilst Councillor Midgley is entitled to her views on the training policy and its costs, the way she expressed this implied wider criticisms of the Mrs Voyce.
 - Her note of 27 October, circulated to all councillors, was critical of the way Mrs Voyce had prepared the proposed policy and also implied disapproval of her position within the training programme.

Preventing Mrs Voyce from speaking at Committee

- 5.28 On 1 December 2015, Councillor Midgley chaired a meeting of the Amenities Committee. Under the item on Draft Budget, the minutes record that; *The Town Manager was prevented from reporting to Committee on the explanation for the inclusion of certain items in the Capital Expenditure Plan under threat of adjourning the meeting ...*’.
- 5.29 After the meeting, Councillor Pacey wrote to Mrs Voyce saying he was upset and concerned by the way she had been treated by Councillor Midgley. Being told that she could not speak when trying to offer the ratepayers of Syston some financial assistance had been extremely rude and uncalled for. It had been made worse when Councillor Midgley reported that she would adjourn the meeting if Mrs Voyce said any more on the subject. In his opinion, it had bordered on bullying (document 5).
- 5.30 At interview, Councillor Pacey said it had been a horrific meeting. Councillor Midgley had stopped Catherine from speaking several times during the debate – it was not after the vote had been taken.

- 5.31 At interview, Mrs Voyce said that she had wanted to advise the Committee on an important financial issue but had not been allowed to. Her requests to speak during the meeting were deliberately ignored. A request to speak after the vote had been taken was refused and this was followed by a threat to adjourn the meeting if she didn't shut up.
- 5.32 Councillor Turner also told me that Councillor Midgley had told Catherine to stop speaking during the debate. Catherine had been giving information and advice to councillors. He said it hadn't been justified and he remembered it because it was quite surprising.
- 5.33 In her written response (document 2), Councillor Midgley states that Mrs Voyce had been preoccupied with timing councillors during the debate. She confirms that, after the vote, she did say she would adjourn the meeting if Mrs Voyce continued. At interview, Councillor Midgley accepted that she hadn't invited Mrs Voyce to present the item on the precept. She said that she didn't remember stopping Catherine from speaking during the debate.
- 5.34 The documentary evidence and the accounts give a clear picture on this matter and I find that:
- At the Amenities Committee on 1 December, Councillor Midgley did not invite the Mrs Voyce to present the item Draft Budget 2016/17 and she was prevented from speaking during the debate.
 - Mrs Voyce was also prevented from speaking after the vote and Councillor Midgley threatened to adjourn the meeting if she did speak.
- 5.35 On 10 February, Councillor Pacey wrote to Councillor Barkley about the Amenities Committee held the night before. He stated that Councillor Midgley did not allow Mrs Voyce to speak without interruption and several times abruptly stopped her from finishing what she was saying. She did not allow her to properly defend her actions or correct statements made by others (document 6).
- 5.36 At interview, Councillor Pacey confirmed that the meeting had been similar to the one on 1 December. He said that Catherine had been stopped from speaking and Councillor Midgley had been sarcastic and rude to her.
- 5.37 In reference to the meeting, Mrs Voyce commented that Councillor Midgley shouted her down a lot when she was talking.
- 5.38 At interview, Councillor Midgley did not respond specifically on this meeting but said it was up to the Chairman how long people were allowed to speak.

5.39 Regarding the 9 February Amenities Committee meeting, I find that;

- Councillor Midgley interrupted Mrs Voyce and prevented her from speaking fully to the meeting.

Syston in Bloom and the Training Policy

5.40 Syston in Bloom is a voluntary organisation which aims to enhance the open spaces of the Town through planting and floral displays. As Chair of the Amenities Committee, Councillor Midgley was interested in the activities of the Group. Her husband, Councillor Howard Midgley is the Chairman of Syston in Bloom.

5.41 The Council's training policy set out certain provisions for volunteers working on Town Council land. These were initially not well received by the Group, who felt they were sufficiently experienced for the work that they did.

5.42 On 9 February, Councillor Midgley wrote to Mrs Voyce on the subject of the training policy and Syston in Bloom (document 7). She said that she had just had sight of an email that Mrs Voyce had sent to all Syston in Bloom members and she questioned some of its content. She described the relevant sections of the policy as ill thought through and said that she felt insulted that she hadn't been given the courtesy of discussing the email.

5.43 A meeting of the Amenities Committee was held in the evening of the same day. The minutes of the meeting record that Councillor Midgley read out an email from the Chairman of Syston in Bloom (ie Councillor Howard Midgley) stating the group's disapproval of the policy. Councillor Janet Midgley quoted from the email sent to Syston in Bloom earlier that day and stated that the group was insulted by the email.

5.44 No declarations of interest had been made by the members of the Amenities Committee.

5.45 At interview, Mrs Voyce, contended that, with the position of her husband being the Chairman of Syston in Bloom, Councillor Midgley had a conflict of interest and should have declared an interest at the Committee.

5.46 The relevant provision of the Code of Conduct is paragraph 5(b) – the disclosure of other personal interests. This states that a councillor will have a personal interest in any business of the authority where a decision in relation to that business would affect the financial position or well being of the councillor or of a relevant person (eg a family member) to a greater extent than the majority of local residents.

- 5.47 In the case of Councillor Janet Midgley, it is unlikely that a council decision on Syston in Bloom would be held as affecting the financial position or well being of her or her husband more than the majority of local residents. I do not consider, therefore, that a declaration of interest from Councillor Midgley about the role of her husband was strictly necessary.
- 5.48 It is clear, however, that Councillor Midgley involved herself in the communication between the Council and the Group. She intercepted the email from Mrs Voyce to the Group and challenged her on it. She read out the reply of the Group to the Council at her own Committee and indeed spoke for the Group, saying that they were insulted.
- 5.49 Such involvement and muddying of roles was at best unhelpful in clear and proper communication between the two bodies. At worst it perpetuated the misunderstanding of the training policy and undermined Mrs Voyce's efforts to resolve matters.
- 5.50 In relation to this episode, I find that;
- It is unlikely that it was strictly necessary for Councillor Midgley to declare a personal interest in relation to Syston in Bloom.
 - Councillor Midgley involved herself unhelpfully and unconstructively in communications between the Council and Syston in Bloom
 - Her involvement undermined the role of Mrs Voyce in trying to explain the implications of the training policy.

Communication of the burning down of a shed on Council allotments

- 5.51 In early March 2016, Mrs Voyce received information at about 9am that a shed had been burnt down on the Council allotments. Mrs Voyce was due to attend a meeting along with Councillor Midgley at 9.30am. She planned to tell Councillor Midgley about the shed when they met.
- 5.52 In the event, Councillor Midgley did not come to the meeting. When Mrs Voyce came out of the meeting there was a message from Councillor Midgley asking why she hadn't been told about the shed incident. Mrs Voce then telephoned Councillor Midgley.
- 5.53 Mrs Voyce states that Councillor Midgley launched into a verbal assault at her, shouting at her that she had a deputy manager and why hadn't she passed on the information. She states that Councillor Midgley ended the call by shouting, 'Just go away Catherine, I do not want to speak to you' and putting the phone down (document 1).

- 5.54 Councillor Pacey was present in the Council office when Mrs Voyce made the phone call. He told me that Catherine was quite upset at the end of the call. He said she hadn't shouted on the phone but might have raised her voice a little.
- 5.55 In her response, Councillor Midgley states that she was annoyed not to be informed of the arson attack (document 2). She told me that she probably had raised her voice in the phone call but it was Catherine who was doing the shouting. She had said 'I can't speak to you any more' and had then put the phone down.
- 5.56 There is little doubt that the phone call was acrimonious and it seems likely that both parties raised their voices. However, the source of the argument was the expectations of Councillor Midgley.
- 5.57 Regarding this episode, I find that;
- This episode of conduct arose from Councillor Midgley's expectation of being immediately informed about all operational matters
 - This was accompanied by her refusal to accept a reasonable explanation of why this had not happened in this case.
 - Councillor Midgley engaged angrily and aggressively with the Town Manager.

Councillor Midgley's conduct in general towards the Town Manager

- 5.58 As well as examining the episodes above, I also asked witnesses about Councillor Midgley's general conduct towards Mrs Voyce.
- 5.59 Mrs Voyce described it as controlling, with Councillor Midgley thinking she could do her job better than she could. She said she got lots of emails from Councillor Midgley criticising her and telling her what to do. These were often aggressive in tone and she found this quite intimidating. Councillor Midgley had persistently criticised, harassed and humiliated her, both privately and in front of councillors and the public.
- 5.60 As the Council's Chairman, Councillor Pacey worked closely with the Town Manager during 2015/16. He told me Councillor Midgley dealt with Mrs Voyce very aggressively most of the time. It had been right from the start. In his view, Councillor Midgley's behaviour was harassing and bullying, with much of it done in public.

- 5.61 Councillor Turner told me that Councillor Midgley was an abrasive character. She was abrupt and critical with Mrs Voyce. The problems had been going on for all the time Catherine had been there. He told me he had been concerned about the way Councillor Midgley behaved towards Catherine.
- 5.62 Councillor Henry told me that Councillor Midgley was one of the more demanding councillors in terms of wanting information. The relationship between her and Mrs Voyce had become strained. Councillor Midgley could be quite abrupt and assertive.
- 5.63 I also gained a view of Councillor Midgley's conduct towards Mrs Voyce from Terry Bailey, a member of the public. He had attended the Amenities Committee meeting of 8 March 2016. He told me that Councillor Midgley had talked across Mrs Voyce and had been very dismissive of her. He thought that for a councillor to comment in public the way she did to the Town Manager was totally out of order.
- 5.64 At interview, Councillor Midgley said that she had explained to Mrs Voyce when she had first met her, how she went about being a chairman. She liked to be kept fully informed on what happened. More and more, though, she had found she wasn't being kept informed. In her response, she stated that Mrs Voyce took any criticism personally, when most of the time it was between councillors.
- 5.65 In addition to the material relating to the main episodes, I have reviewed all of the other emails, notes and accounts submitted by Mrs Voyce. The impression I gained from these is in line with the views of witnesses, in that Councillor Midgley can be abrupt, critical and demanding.
- 5.66 Councillor Midgley is sometimes directly critical of Mrs Voyce (eg this is all wrong; what a waste of time) and often indirectly critical (eg the training policy is ill-thought through). Her language is often dramatic, with Councillor Midgley frequently indicating that she is 'appalled', 'disconcerted' or 'insulted'. Emails containing such comments are often circulated widely.
- 5.67 There is also significant personal comment about Mrs Voyce. In her email of 5 October, for example, Councillor Midgley tells Mrs Voyce that she is over-zealous at times and bristles when they meet. Further, that she believes Mrs Voyce thinks Councillor Midgley is trying to outmanoeuvre her and catch her out (document 8).

5.68 There is also considerable attention to very detailed operational matters. In November, for example, Councillor Midgley is writing to Mrs Voyce about when the grounds staff should be ordering bedding plants (document 9). In February she is advising how to repair two fencing panels and querying when some aubrietia plants are going to be planted (documents 10 and 11).

5.69 From the accounts of witnesses and my review of the submitted documents, I find that Councillor Midgley's general conduct towards Mrs Voyce is characterised by;

- Often being abrupt, and confrontational,
- Sometimes being directly critical and often being indirectly critical of Mrs Voyce,
- Such criticisms are often copied widely to councillors,
- Including personal and patronising comments about Mrs Voyce
- Much attention being paid to very detailed operational matters.

6. Reasoning as to whether there has been a failure to comply with the Code of Conduct

- 6.1 In the light of the findings above, Councillor Midgley's conduct can now be assessed in relation to the relevant provisions of the Town Council's Code of Conduct.
- 6.2 I have considered each episode of conduct in turn, at the same time taking into account the general conduct of Councillor Midgley towards Mrs Voyce.

Raising gossip about Mrs Voyce with her and others

- 6.3 In relation to this episode, I found that:
- Councillor Midgley put to Mrs Voyce that **REDACTED – EXEMPT INFORMATION**.
 - She challenged Mrs Voyce's explanation of her meetings.
 - She raised the matter with Mrs Voyce on two separate occasions.
 - She told Mrs Voyce that the comings and goings at the Town Council offices were being reported to her.
 - She told another Councillor that she thought **REDACTED – EXEMPT INFORMATION**.
- 6.4 Councillor Midgley claims that she simply informed Mrs Voyce of the existence of gossip, so that she was aware of it. Undertaken sensitively, this would have been a helpful and considerate action. However, I found that Councillor Midgley went much further than this.
- 6.5 Councillor Midgley's stance was that **REDACTED – EXEMPT INFORMATION**. She put this to Mrs Voyce and then questioned and challenged her explanations. Having first raised the matter at their meeting in May, Councillor Midgley raised it again with Mrs Voyce in July.
- 6.6 At the same time, Councillor Midgley told another councillor that she thought **REDACTED – EXEMPT INFORMATION**, thus participating in and spreading the gossip.
- 6.7 Being told by Councillor Midgley that the comings and goings at the Council Offices were being reported to her would have been intimidating for Mrs Voyce. This would have been reinforced by Councillor Midgley revealing knowledge of **REDACTED – EXEMPT INFORMATION**.

6.8 I consider that Councillor Midgley's engagement with Mrs Voyce during this episode was neither appropriate nor respectful. I also consider that her conduct was hurtful, humiliating and intimidating to Mrs Voyce.

6.9 I find, therefore, that Councillor Midgley failed to comply with the following requirements of the Code of Conduct:

- **Paragraph (i)** - Valuing staff and engaging with them in an appropriate manner that underpins mutual respect.
- **Paragraph (h)** - Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies).

Pursuing information on stationery costs

6.10 In relation to this episode, I found that:

- Councillor Midgley's request implied criticism of Mrs Voyce's practices in preparing agendas for committee.
- The request involved a significant commitment of staff resources. It had not been endorsed by any Council committee. Councillor Midgley was not a member of the Resources Committee.
- When she asked if her request had been actioned, Councillor Midgley engaged in an angry altercation with Mrs Voyce.

6.11 Councillor Midgley had asked Mrs Voyce directly to prepare extensive and detailed information on a relatively minor item of Council expenditure. The request had more to do with Councillor Midgley's disagreement with Mrs Voyce's operational practices than with her need for this information.

6.12 With no committee endorsement for the request, Mrs Voyce was placed in the difficult position of having to balance this time consuming demand against her agreed priorities and work programme.

6.13 If Councillor Midgley had really needed to know these details, it would have been more appropriate for her to raise the matter through the Resources Committee.

6.14 When she learned that the information had not been prepared, Councillor Midgley engaged in an angry altercation with Mrs Voyce.

6.15 I consider that by raising her request as she did, and pursuing it to the point of an altercation, Councillor Midgley did not engage appropriately with Mrs Voyce.

6.16 I find, therefore that Councillor Midgley failed to comply with the following requirement of the Code of Conduct.

- **Paragraph (i)** - Valuing staff and engaging with them in an appropriate manner that underpins mutual respect.

The introduction of a new training policy for the Council

6.17 In relation to this episode, I found that:

- The way Councillor Midgley expressed her views on the Training Policy implied wider criticisms of Mrs Voyce.
- Councillor Midgley's note of 27 October, circulated to all councillors, was critical of the way Mrs Voyce had prepared the proposed policy and also implied disapproval of her position within the training programme.

6.18 Councillor Midgley had been very critical of the Council's proposed training policy. The development of the policy was closely associated with Mrs Voyce and therefore that criticism reflected on her. Such criticism was widely communicated around the Council, culminating in Councillor Midgley's note of 27 October.

6.19 Criticism of Council staff in open environments is contrary to the requirements of the Council's Dignity at Work Policy. In this case, however, the criticism of Mrs Voyce was not explicit and, in the end, Councillor Midgley's note was not read out at Council. Although her views and attitude would have been disappointing and uncomfortable to Mrs Voyce, I do not consider that Councillor Midgley's actions were of the level of severity as defined in the Dignity at Work Policy.

6.20 I find, therefore Councillor Midgley's conduct in relation to the training policy did not breach of the Code of Conduct.

Preventing Mrs Voyce from speaking at Committee meetings

6.21 In relation to this episode, I found that:

- At the Amenities Committee on 1 December, Councillor Midgley did not invite Mrs Voyce to present the item Draft Budget 2016/17 and prevented her from speaking during the debate.
- Mrs Voyce was also prevented from speaking after the vote and Councillor Midgley threatened to adjourn the meeting if she did speak.
- Councillor Midgley interrupted Mrs Voyce and prevented her from speaking fully to the Amenities Committee on 9 February.

- 6.22 It is important that committees and councils come to decisions on the basis of good information and in the light of sound legal, financial and other professional advice. It is the role of officers to provide such information and advice and the responsibility of councillors to listen to advice and take it into account. Mrs Voyce as the Town Manager is the principal advisor to the Council, with responsibilities confirmed in statute.
- 6.23 Councillor Midgley prevented Mrs Voyce from providing information and advice to at least two meetings of the Amenities Committee. On 1 December, the Committee was considering the budget for the coming year, a matter of considerable significance for the Council and the residents of Syston.
- 6.24 By not allowing Mrs Voyce to speak at the meetings, Councillor Midgley prevented the whole committee from receiving information and advice before they made their decisions.
- 6.25 Councillor Midgley repeatedly prevented Mrs Voyce from speaking by refusing her requests, cutting her off and holding up a hand to dismiss her. This would have been demeaning and undermining for Mrs Voyce, and particularly so in a public forum. I believe this demonstrated a lack of respect for both the office of the Town Manager and for Mrs Voyce personally.
- 6.26 Councillor Midgley failed to listen to relevant advice from Mrs Voyce and also prevented her Committee from receiving it. I consider that manner in which she did this was demeaning and undermining of Mrs Voyce and also disrespectful to her.
- 6.27 I find, therefore that Councillor Midgley failed to comply with the following requirements of the Code of Conduct:
- **Paragraph (e)** - Listening to statutory officers and taking all relevant information into consideration.
 - **Paragraph (h)** - Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies).
 - **Paragraph (j)** - Always treating people with respect, including those you work alongside.

Instructing Mrs Voyce about Remembrance Day

- 6.28 In relation to this episode, I found that:
- Councillor Midgley asked Mrs Voyce on the Friday to have all the hanging baskets removed by the Sunday. This was unrealistic.
 - She asked Mrs Voyce to check the parade route on the Sunday and make sure it was clear of litter. This was also unrealistic since no Town Council staff worked on the Sunday. The only way for the request to be carried out was for Mrs Voyce to clear any litter herself.
- 6.29 Councillor Midgley's instruction comprised two elements and both were quite unrealistic. The instruction was placed squarely on the shoulders of Mrs Voyce who did not have the means to achieve it. Being placed in this situation would have been worrying and stressful.
- 6.30 Mrs Voyce was herself attending the Remembrance Day ceremony in Syston as a representative of the Town Council. Expecting her, over and above this, to check the parade route for litter was unreasonable and unfair.
- 6.31 Furthermore, the expectation was that, if there was any litter on the route, Mrs Voyce would pick it up and dispose of it. This would have felt particularly demeaning and indeed insulting to Mrs Voyce.
- 6.32 I consider that Councillor Midgley's instructions for Remembrance Day were demeaning and humiliating to Mrs Voyce. They showed little value or respect for her role and contribution at the Town Council.
- 6.33 Accordingly, I find that Councillor Midgley failed to comply with the following requirements of the Code of Conduct:
- **Paragraph (h)** - Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies).
 - **Paragraph (j)** - Always treating people with respect, including those you work alongside.

The impact of the training policy on Syston in Bloom

- 6.34 In relation to this episode, I found that;
- It is unlikely that it was strictly necessary for Councillor Midgley to declare a personal interest in relation to Syston in Bloom.
 - Councillor Midgley involved herself unhelpfully and unconstructively in communications between the Council and Syston in Bloom.
 - Her involvement undermined the role of Mrs Voyce in trying to explain the implications of the training policy.

- 6.35 Having concluded on the formal disclosure of interests, the issue remaining here is the effect of Councillor Midgley involving herself in the dealings with Syston in Bloom.
- 6.36 By February 2016, the objections of Syston in Bloom to the Council's training policy were already well established. Mrs Voyce was in communication with the Group, attempting to explain the implications of the policy for them.
- 6.37 Councillor Midgley's involvement in this communication did nothing to help the situation. It drew attention to the difficulties being experienced and probably perpetuated the misunderstanding of the policy by the Group.
- 6.38 This was frustrating for Mrs Voyce, and certainly hindered her dealings with the Group. Although there was implied criticism of Mrs Voyce, Councillor Midgley's public pronouncements were, on the face of it, directed at the policy and the Council. On balance, I do not consider that Councillor Midgley's actions were sufficiently serious to conflict with the Dignity at Work Policy.
- 6.39 I find, therefore Councillor Midgley's conduct in relation to Syston in Bloom and the training policy was not in breach of the Code of Conduct.

Communication about the burning down of a shed on Council allotments

- 6.40 Regarding this episode, I found that;
- Councillor Midgley's conduct arose from her expectation of being immediately informed about all operational matters
 - This was accompanied by her refusal to accept a reasonable explanation of why this had not happened in this case.
 - Councillor Midgley engaged angrily and aggressively with Mrs Voyce.
- 6.41 This episode is another example of Councillor Midgley's general approach of being overly focussed on operational matters and demanding of information. She pursued the matter unreasonably and aggressively.
- 6.42 Councillor Midgley was hostile and intimidating towards Mrs Voyce and engaged in an angry altercation with her.

6.43 I find that in doing so, Councillor Midgley failed to comply with the following requirements of the Code of Conduct:

- **Paragraph (h)** - Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies).
- **Paragraph (i)** - Valuing staff and engaging with them in an appropriate manner that underpins mutual respect.

The general conduct of Councillor Midgley towards Mrs Joyce

6.44 I have found that Councillor Midgley's general conduct towards Mrs Joyce was characterised by:

- Often being abrupt, and confrontational,
- Sometimes being directly critical and often being indirectly critical of Mrs Joyce,
- Such criticisms were often copied widely to councillors,
- Including personal and patronising comment about Mrs Joyce, and
- Much attention being paid to very detailed operational matters.

6.45 My findings in the seven specific episodes of conduct, of course, form part of Councillor Midgley's overall conduct.

6.46 Taken together, I consider that these findings demonstrate a persistent and consistent pattern of behaviour towards Mrs Joyce. The impact of this of Mrs Joyce would have been considerable.

6.47 I believe Mrs Joyce would have found Councillor Midgley's unreasonable demands wearing and harassing; her criticisms undermining and demeaning; her operational focus overbearing and demeaning; her spreading of gossip hurtful and humiliating; and her confrontational and aggressive manner threatening and intimidating.

6.48 Councillor Midgley's general conduct towards Mrs Joyce was of harassment and lack of respect.

6.49 Accordingly, I find that Councillor Midgley failed to comply with the following requirements of the Code of Conduct:

- **Paragraph (h)** - Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies).
- **Paragraph (j)** - Always treating people with respect, including those you work alongside.

7. Findings

- 7.1 I have found that Councillor Midgley failed to follow the Code of Conduct on numerous occasions and in general between May 2015 and March 2016.
- 7.2 Specifically, Councillor Midgley;
- **Did not listen to advice from a professional officer, and did not take all relevant information into consideration in making decisions. She therefore failed to follow paragraph (e) of the Code of Conduct.**
 - **Did not value a member of staff and engage with them in an appropriate manner that underpinned mutual respect. She therefore failed to follow paragraph (i) of the Code of Conduct.**
 - **Did not behave in accordance with the requirements of the Council’s Dignity at Work and Harassment Bullying and Discrimination Policies. She therefore failed to follow paragraph (h) of the Code of Conduct.**
 - **Did not always treat those she worked alongside with respect. She therefore failed to follow paragraph (j) of the Code of Conduct.**
- 7.3 The reasoning for my findings is set out in section 6 above.
- 7.4 Mrs Voyce and Councillor Midgley were sent a draft of this report on 3 August.
- 7.5 Mrs Voyce responded, accepting the findings of the report and making a number of comments.
- 7.6 Councillor Midgley responded, raising a number of issues and stating that she stood by what she had said at interview. Councillor Midgley’s response is shown at document 18.
- 7.7 I have considered both responses carefully and made a number of amendments to my draft report. The responses did not lead me to change my findings, however.
- 7.8 This is my final report. It will be will be forwarded to the Monitoring Officer who will carry out the remaining stages of the Council’s complaints procedure.

8. Schedule of evidence appended

Document No.	Description
1	Further information submitted by Catherine Voyce in support of her complaint
2	Response of Councillor Midgley to complaint of Catherine Voyce
3	Note that Councillor Midgley requested be read out at Council meeting of 27 October 2015
4	Email of 3 February from Councillor Midgley to Catherine Voyce regarding training policy on Council website
5	Email of 1 December 2015 from Councillor Pacey to Catherine Voyce regarding Amenities Committee meeting on 1 December 2015
6	Email of 10 February 2016 from Councillor Pacey to Councillor Barkley regarding Amenities Committee meeting of 9 February 2016
7	Email of 9 February from Councillor Midgley to Catherine Voyce regarding Syston in Bloom and the Training Policy
8	Email of 5 October 2015 from Councillor Midgley to Catherine Voyce regarding Amenities Committee
9	Email of 5 November 2015 from Councillor Midgley to Catherine Voyce regarding ordering of summer bedding
10	Email of 21 February 2015 from Councillor Midgley to Catherine Voyce regarding repairing of fencing
11	Email of 15 February 2016 from Councillor Midgley to Catherine Voyce regarding planting of aubrietia
12	Record of interview with Catherine Voyce
13	Record of interview with Councillor Ken Pacey
14	Record of interview with Councillor Paul Turner
15	Record of interview with Councillor Paul Henry
16	Record of telephone interview with Terry Bailey
17	Record of interview with Councillor Janet Midgley
18	Response of Councillor Midgley to the Draft Report of Investigation

Document 1: Further information submitted by Catherine Voyce in support of her complaint

May 2015

First meeting with JM to discuss Amenities Agenda as she was chair of that committee. She asked me why **REDACTED – EXEMPT INFORMATION**.

REDACTED – EXEMPT INFORMATION.

REDACTED – EXEMPT INFORMATION.

6 July

Meeting to discuss amenities agenda. At the end of the meeting, JM said that she had a friend that lived across the road from my office, (in the flats) and reported all my comings and goings from the office to her (I understand that “the friend” is her sister). She said **REDACTED – EXEMPT INFORMATION**; I said this was not true. **REDACTED – EXEMPT INFORMATION**.

The Community Centre is used by many community groups, and I am rarely on my own there. She went onto to say that her manicurist told her all the gossip in Syston, and that **REDACTED – EXEMPT INFORMATION** (I am not sure what she meant by this, but chose to ignore it).

15 September

Amenities agenda. She sent me an email requesting information that would have some time to produce – but gave no reason for the request. The email is evidenced. She was asking how much paper was used and the postage costs for a whole year (since I had been employed by the council). I know the reason for this was because she thought I was using too much paper up for council meetings.

An explanation is that when I started work at the council, all meeting papers were tabled. I did not think this gave councillors sufficient time to make decisions and so I always send out supporting papers with agendas. She thought this was a waste of paper and money and was trying to make a case, by finding out the increased cost (which was negligible).

After a Civic Reception Panel meeting - she asked me if I had received her email/request for information. I said yes but I hadn't done anything as I thought it was a Resources issue and she didn't sit on that committee anyway. She exploded and shouted that as a councillor, she could ask me to do anything she wanted. I said that currently I didn't have time to do the task and neither did my staff. KP (Ken Pacey, now Chairman), advised I put the question on Full Council agenda. At the Full Council meeting – she told Council that I had refused to carry out her request.

Meeting on 4 November 2 pm

She emailed all councillors with a document that she wanted reading out at Full Council, this contained unfair criticisms and untrue statements about me – a copy has been supplied already. (I did not read it out, but as Councillors had all received it, I felt that this was most unjust as I was not given the opportunity to defend myself against the untrue statements made about me.

Another meeting to discuss the amenities agenda (5 November 2015)

She said the agendas were too long – I said we were getting through a lot of work; if we took a particular item off the agenda then that project is delayed by a month. She said there was too much paper to read – I therefore made three items on the agenda, verbal reports only, stating that this makes it harder for councillors to make a decision as they don't have all the facts prior to the meeting.

She asked why it had been stated at Full Council (by KP) why her recent request for information had cost the council £91. I had not provided her with the information but she asked an officer (US) for the information again whilst I was on holiday and US provided it. HM also asked for half a file full of information (also provided by US) whilst they both knew I was on holiday (some of this was answers to questions that I had already provided).

KP had announced to Council that it had cost the council £91 (cost of an officers time) and this had been fed back to her (she said not by Howard Midgley (HM), her husband). I said the joint information request, from both her and HM had cost £91 to produce, not just hers. She said that she would bring a cheque to the next full council for £91 and announce that the office were charging her for information. I replied that the office had not asked her to pay for it. She asked why I had asked for the costings of preparing the information, and I replied that it wasn't my request, it was the Chairman's.

I asked her if we could move on and draw a line under it all. She refused. I told her that it had been agreed at Full Council to draw a line under the whole training/request for information episode and we should move on. She still refused. She then told me to remove all the hanging baskets in town due to the forthcoming memorial procession. I asked US, in JM presence, to take down the dead ones.

6 November

I received a message via US to remove all hanging baskets from memorial parade route (grounds staff had removed dead ones and trimmed back others, still in progress on Friday). Also to make sure the route was clear of rubbish on the Sunday, by walking the route on Sunday morning. I had just had a meeting with Ken, who reminded me not to take orders from any Councillor. No way of checking rubbish on route – no one works on Sundays from council. (I did not call her back to advise this, I chose not to respond).

I emailed the Amenities minutes to Janet for approval on 12 November. She telephoned through requests for Ursula to change – without discussing the changes with me first.

10 November Amenities Committee Meeting

When JM provided her declaration of interests – Syston in Bloom. She said rather pointedly – that this was because “she was sleeping with the Chairman”.

21 January

I had taken 20th off ill and the morning of 21st. At 2.50 pm on 21st, JM telephoned KL (officer) to find out if I was in the office or not, when Kay said yes I was and asked her if she wanted to speak to me; she did not want to. (she was just checking up on me).

March 2016

It was 9 am and I had a meeting at 9.30 am, I received information about a shed being burnt down at the allotments. JM was supposed to be at the 9.30 am meeting. She had previously instructed me to let her know of any problems in the town that affected the Amenities remit (as she was Chair). As I expected to see her at the meeting at 9.30 am, I was expecting to be able to brief her on this, together with the actions taken. When I got to the meeting she had sent her apologies through another council member, so I was unable to tell her about the incident.

When I returned from the meeting, I had a telephone message from JM, relayed through US to ask why I had not advised her about the incident. I telephoned JM to tell her that I had not had the time to tell her because I had only just returned from the meeting.

JM launched into an assault on me, telling me, basically shouting that I had a deputy manager, why hadn't I asked her to pass on the information. I said two things:

1. I did not think it was unreasonable to advise her of the information on the afternoon of the day of the incident
2. I was expecting to see her (JM) at the 9.30 meeting as she had not passed her apologies onto me

She started shouting, "just go away Catherine" "go away, I do not want to speak with you"; then she put the phone down. My side of the conversation was witnessed by KP; he was most upset to hear the commotion between JM and myself and that she had put the phone down on me.

Document 2: Response of Councillor Midgley to the complaint of Catherine Voyce

1. I do not consider I was rude firm but not rude. If I am correct the allotment holders were present re: monies that were being allocated to them. The TM offered to do clerical work for them. I queried how she had the time as we as a Council had been asked to employ an extra member of staff. The TM bristled somewhat and said she would do it in her own time which I did say was silly. I was also concerned if she was covered by insurance if Council had not sanctioned 'in own time' work. The next day a member of the allotments rang to congratulate me on how I had handled 'the prickly' situation.
2. As I have state previously the TM started to speak about the precept after the vote was taken. She had been preoccupied with timing Councillors (to which I did receive complaints) that she had missed the vote. I did point out that it was too late but she persisted. I did indeed say I would adjourn the meeting if she continued.

Q - Why wasn't the information about the precept given to me before the meeting

3. At the meeting I was presented with yellow and red cards to be shown to Councillors. This was the first I had heard of them. The vice chair felt it would be an insult to Councillors which I fully agreed with. They were not part of standing orders so I declined there use. I also felt the TM had better things to do than wave cards about.

Q - Why wasn't I asked before the meeting and not on the evening if I was happy with it.

4. Addressed on a separate page.

5. I fully agree with the TMs remarks in JM12 except I did not explode or shout. In actual fact I was so shocked I was incapable of shouting. Never before has a Council officer ignored a request and then blatantly refused to do it.

6. I queried the statement made that the information I requested had cost £91. The TM stated that Chairman had stated it. I said I would pay in full at the FC. As for not accepting 'an olive branch' I would never refuse. I probably did ask for the hanging baskets to come down. They had looked a mess for sometime and I would like the memorial to look it's best on such an occasional. I never tell anyone I always ask and then thank them.

7. Why would I repeat the request? (above). I cannot really remember this we employ a weekend street cleaner and, in the past, they have been asked to clear the parade route.

8. If I wanted to know the movements of the TM I would ask. Frankly I have more important things to do with my life.

9. This was the other way around. I was annoyed not to be informed of an arson attack on the allotments. In fact this act of not informing the Chairman of anything pertaining to Amenities has been a running argument.

Earlier I had been taken to task by a resident about the arson attack I was embarrassed to say I didn't know. When I asked why I hadn't been told I was informed that the TM had been too busy and if I had attended a meeting earlier I would have known. I pointed out that the Council employ a deputy so it could have been delegated to inform me. This triggered a tirade from the TM pointing out that she is in charge and makes decisions. She also pointed out that I was being unreasonable and should have attended the meeting. I did indeed put the phone down mainly to protect myself. I have never been spoken (shouted) to like that by any Council employee before. I am sure staff present would have heard the TMs raised voice.

10. TM evidence (JM1) proves I am trying to be honest.

11. Again taken out of context. I was not casting aspersions but wanted an analysis before I voted.

12 - 14 I made an formal complaint to the Chairman against the TM and the Vice Chair for not acknowledging my request re the Resources committee.

At my request we had a meeting on **December 2nd** to resolve the issue this was also attended by Ken Pacey. I did feel intimidated at this meeting by the three of them.

15. The information I requested was so I could make an informed decision before I voted on the need for an office apprentice.

16. As a Chairman of Amenities I walk through the town and if I see anything that needs addressing I inform the office so it can be rectified.

17. As I said above I feel it is my duty to ask questions pertaining to Amenities. I do not see that being a Chairman just means chairing a meeting - to me it is having an active role.

18. I do consider the TMs remarks re remembrance Sunday unfeeling.

19. Answered separately.

20. The email in question was sent to the Chairman and the TM copied in out of courtesy.

21. As Chairman of Amenities SIB come under the remit of my committee. It has taken years by previous Chairs and TMs to build the relationship that the Council enjoy. I was very concerned that they would walk away if the Council became too officious and dictatorial. The training policy became an issue both for the TM and SIB. Finally SIB walked away.

22. In November I did declare an interest in SIB. This was precept time and the Committee usually made an allowance for SIB. I did not think it would be correct to vote on any monies given to them for their use.

After a full council meeting where it was pointed out that what ever my husband is a member of I must declare an interest to I have done. I would like to add no other Councillor declares their spouses interests.

I find it quite astounding that nothing about my 'behaviour' has ever been mentioned by the Chairman, Vice Chairman or the TM even though all three of us had a private meeting on the 2nd December 2015 where this could have been mentioned. Perhaps this situation could have been resolved much easier.

In the last few days I have had a chance to go through all the paperwork provided. I have come to the conclusion that the TM takes any interaction or criticism personally, when most of the time this is between Councillors. I am not sure if she realises that officers of the Council are there to assist Councillors to make informed decisions and run the Council and it is not the officers that run the Council. I have had to ask the TM to let Councillors finish speaking before she interjects, which to me is far too often. When the TM does not get her own way she becomes quite petulant and difficult, this has been observed by other Councillors and members of the public. One such instance in August 2015 when there was a particular training course the TM wanted to attend it was stated by her if the Council did not agree she would pay for it herself. Gun to the head comes to mind.

All this is coming down to "he said she said" and I am disappointed it has come to this point.

To conclude never have I bullied or shouted at any member of staff during my working life as a manager or life as a Councillor, and I feel hurt that nothing has been said face to face. I fully admit I do take the roll seriously and as a Chairman I do the job as I see it.

I can, if necessary, provide numerous emails to substantiate what I have said.

Also I can provide references by previous Town Managers that I have dealt with in the last 20 years plus as to how I have dealt with them.

REDACTED – EXEMPT INFORMATION

Document 3: Note that Councillor Midgley requested be read out at Council meeting of 27 October 2015

I am sorry I cannot attend Full Council this evening, I am afraid I am too unwell.
I write concerning item 12.

At the last Full Council I was appalled that the wishes and feelings of the Council were totally ignored by the Chairman and Vice Chairman and we were not allowed to air our views. Consequently 6 of us exercised our right to send the following items to Full Council.

Training/Apprentice.

Training - I cannot believe the request of 6 Councillors have been totally overridden and they have been so insulted and treated with contempt as to allow the training to go ahead. I have read the rationale behind the decision and I am afraid either the TM is mistaken or the Chairman is.

I now understand why at the last Full Council there was the urgency to rubber stamp every thing. Basically it had already happened and the Chairman and Vice Chairman wanted to make it legal, hence no discussion allowed. I for one will not be party to any such dealings.

Councillors should have the right to ask questions and discuss any item, they are after all responsible to the rate payer who wants value for money.

Since this Council was formed in May the training expenditure has been £3720 plus £237 travelling expenses. To my mind this is somewhat excessive, particularly that there is no training structure in place and no one monitoring the procedure. Why has this been allowed to happen?

Apprentice:-

This was agreed by the Resources committee on a very flimsy short report without any in depth reasoning or investigation. This would increase our staffing budget by approximately £10000.

The office staffing was re-evaluated in 2011/12 to be staffed by 3 full time members, including the Town Manager, which worked very well.

To my mind the office is rarely fully staffed due to eg training, meetings, holidays, sickness etc. Add this to the enormous amount of paperwork issued, an increase threefold since last year, and there will be strain.

The office staffing, procedures and practices need to be looked at independently and evaluated, from which a full report can be given to Full Council to make an informed decision on staffing problems.

I would have thought developing the existing Town Manager to do a better job, preparing the Deputy to be equipped to take over and using the skills of the Office Coordinator would be far more fruitful, cheaper and aid CPD.

Janet Midgley

**Document 4: Email of 3 February from Councillor Midgley to Catherine Voyce
regarding training policy on Council website**

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

From: Janet Midgley [xxxx]

Sent: 03 February 2016 18:30

To: Catherine Voyce <xxxxxx>

Subject:

I have just read the Councils training policy on the Councils web site put on yesterday.

3.4 Volunteers

Not only does it state 'Parish Council' it also is totally different as to what I was lead to believe. It certainly eliminates some of Syston in bloom members.

This is all wrong! It has obviously been downloaded from NALC or Other such place without thought.

Regards

Janet

**Document 5: Email of 1 December 2015 from Councillor Pacey to Catherine Voyce
regarding Amenities Committee meeting on 1 December 2015**

From: Ken Pacey [xxxx]
Sent: 01 December 2015 23:04
To: Catherine Voyce <xxxx>
Cc: Barklay Tom <xxxx>
Subject: Tonight's meeting

Catherine

I was very upset and concerned by the way you were treated by Cllr. Janet Midgley at tonight's Amenities meeting. Being told that you could not speak, when trying to offer the rate payers of Syston some financial assistance was extremely rude and uncalled for. It was made worse when she reported that she would adjourn the meeting if you said anymore on the subject.

I am very sorry as Chairman of Syston Town Council that this was inflicted on you at a committee meeting chaired by a long standing councillor who in my opinion should have known better. In my opinion It bordered on bullying.

Regards

Ken Pacey
Chairman Syston Town Council.

**Document 6: Email of 10 February 2016 from Councillor Pacey to Councillor Barkley
regarding Amenities Committee meeting of 9 February 2016**

From: Ken Pacey [xxxx]
Sent: 10 February 2016 08:32
To: Barklay Tom <xxxx>
Cc: Catherine Voyce <xxxx>
Subject: Last night's meeting

Tom

Last night's meeting was again in my opinion an attack on Catherine. Janet allowed a full discussion on the Howard email which was not needed. She went on to be most rude to Catherine by not allowing her to speak without interruption, and several times abruptly stopped her from finishing what she was saying.

She did not allow her to properly defend her actions or correct statements that were made by other. There were several sarcastic comments made during the meeting.

I believe that most of the members there agreed with me that the training for SIB is being blow right out of proportion and that it will finally finish up that perhaps only one or two members will need to show or questioned on how to use STC owned equipment.

I fully agree with your last two emails and believe like you, this has got to stop.

Regards

Ken Pacey

**Document 7: Email of 9 February from Councillor Midgley to Catherine Voyce
regarding Syston in Bloom and the Training Policy**

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

From: Janet Midgley [xxxx]

Sent: 09 February 2016 15:27

To: Catherine Voyce <xxxx>

Cc: Ken Pacey <xxxx>; Tom Barkley <xxxx>

Subject:

Dear Catherine,

I have just had sight of an email sent to all SIB members.

I think SIB members fully understood 3.4 of the training policy.

What you have stated in the email is opposite to that section and totally opposite to what yourself told me less than a week ago.

If you remember I asked who would train Trevor to use the bowser and you explained it was all about bending, lifting etc.

This section has far reaching effects and has been ill thought through. I have checked on all the 'award' winners web sites and more and not one in their training policies are volunteers mentioned.

Furthermore I feel insulted that the courtesy of including myself, as Chairman of Amenities, in the discussion and subsequent email wasn't even given any thought what so ever.

Regards

Janet

**Document 8: Email of 5 October 2015 from Councillor Midgley to Catherine Voyce
regarding Amenities Committee**

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

From: Janet Midgley [xxxx]
Sent: 05 October 2015 18:40
To: Catherine Voyce <xxxx>
Cc: Ken Pacey <xxxx>
Subject: Re: Amenities

Dear Catherine,

Thank you for your reply which I must admit your tone surprised me.

To explain my question list. This would have been my crib sheet to use if I had been able to meet tomorrow. I start a new one after each Amenities meeting as I tend to forget, in fact I did forget one thing.

As I said as for the rewriting the allotment rules I find it disconcerting to read this on Facebook. Maybe when the Chairman and yourself decide something pertaining to Amenities it might be better to inform me. In my opinion it would be better still to ask the elected Committee what they want, it might turn out that you are wasting your valuable time.

As for the photos thank you. Please thank the staff for all their hard work on that and on the trellis. I see the heap and David's personnel equipment is still there. If we allow him to use it and he is injured are we covered by insurance?

As for the allotments lavatorial problems- this came up a few years ago and Council threw it out. I advise that you are sure that this is viable ie: that everyone is in agreement or again you could be wasting your time.

On a personal note I think you do your job admirably. Over zealous at times but you do not have to prove yourself. When we meet you bristle a little and look for a reason why I am asking things. I ask things because I feel this is what a good Councillor should do, maybe I am misguided.

Your last statement proves to me you think I am trying some sort of manoeuvre or trying to catch you out. As I said during our first meeting I will say what I think straight to your face (I hope you would do the same) and not go away with other Councillors and criticise. Hypocrisy is not in my creed.

Thank you for kind wishes re my health. GP or hospital tomorrow if no improvement.

Regards

Janet

**Document 9: Email of 5 November 2015 from Councillor Midgley to Catherine Voyce
regarding ordering of summer bedding**

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

From: Janet Midgley [xxxx]

Sent: 05 November 2015 14:05

To: Catherine Voyce <xxxx>

Cc: Ken Pacey <xxxx>

Subject: Re: RE:

1. Allotments: That's fine about the fencing it does need sorting. It no longer needs to be an agenda item.

2. DS needs to order his summer bedding very soon (we do ours in November). When he gets his act together he could incorporate the 'birthday' in his plant ordering. Until we have this we cannot decide. So we awaiting on DS. Put it on December if he comes up with his ordering plan if not prod him.

3. Fencing Deville- Why didn't the office and Chairman know the fencing was broken for a long time and a potential hazard?

It needs to be an agenda item to be sorted permanently and as I said if it is a danger to the public it needs to be rectified temporarily even if it is destroyed and costing £140. We can then show, if needs be, that we have done everything in our power to preserve safety.

Thanks for sorting things.

JKM

**Document 10: Email of 21 February 2015 from Councillor Midgley to Catherine Voyce
regarding repairing of fencing**

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

From: Janet Midgley [xxxx]

Sent: 21 February 2016 11:06

To: Catherine Voyce <xxxx>

Cc: Ken Pacey <xxxx>; Ursula Southan <xxxx>

Subject:

As you probably know the allotments were vandalised Friday evening. Plot 70 and 71 were affected plus two fence panels burnt out behind. One shed was completely burnt out.

I have been up there this morning to view the damage.

All that is required is two fence panels, the concrete posts are there for them to slide into. The bungalow that backs up to the allotments is now very exposed and I am sure will be in touch tomorrow to complain to the 'owners'.

I feel we need to move promptly on this one.

Regards

Janet

**Document 11: Email of 15 February 2016 from Councillor Midgley to Catherine Voyce
regarding planting of aubretia**

From: Catherine Voyce
Sent: 17 February 2016 10:20
To: 'Janet Midgley' <xxxx>
Subject: RE: Minutes

Dear Janet

David has informed me that the Aubretia are for gap filling in Central Park as well as in the tubs around the Brook Café.

Kind regards
Catherine

From: Janet Midgley [xxxx]
Sent: 15 February 2016 10:16
To: Catherine Voyce <xxxx>
Subject: Re: Minutes

Thanks.

Could you please ask David where the aubretia (approx 70) stored at the cemetery are being planted?

Regards

Janet

**Document 12: Record of interview with Catherine Voyce,
6 July 2016**

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.

Councillor Janet Midgley

2. I asked you to describe in general how Councillor Midgley dealt with you. You felt she was quite controlling and thought she could do your job better than you could. You got lots of emails from her criticising and telling you what to do. Her emails were aggressive in tone and you found them quite intimidating. She didn't appreciate other priorities you might have - she was only concerned with Amenities matters.
3. We considered the main episodes of Councillor Midgley's conduct that had concerned you.
4. At your first meeting with Councillor Midgley in May 2015, she had asked you why **REDACTED – EXEMPT INFORMATION**.
5. The next time you met Councillor Midgley, she told you that she had a friend who lived in the flats opposite the offices who reported all the comings and goings to her, including **REDACTED – EXEMPT INFORMATION**.
6. You also understood that Councillor Midgley had told someone that **REDACTED – EXEMPT INFORMATION**. You had sometimes dropped off papers on the way to work. So she was herself spreading rumours about you.

7. In September, Councillor Midgley had asked for a detailed breakdown of stationery costs over the previous year. The nature of the request left no doubt that she thought that photocopying, paper and postage costs had increased since you had been in post. After a Civic Reception Panel she had asked you if the data had been produced. You had said it hadn't because of the scale of the task. Councillor Midgley had then exploded – shouting at you that she could ask you for anything she liked.
8. Councillor Midgley had made personal comments about you in her email of 5 October. You felt this was her trying to justify her behaviour.
9. In October, Councillor Midgley had sent in a note about training that she wanted read out at Council. You felt the note contained detrimental remarks about the way you did things. The Chair had agreed that the note should not be read out.
10. I put to you Councillor Midgley's response that her criticisms were about the Council and not you. You tended to take it personally. You said that you provide most of the reports and information for the Council, so if she said it was a flimsy report without any in depth reasoning or investigation, then it had to be about you.
11. On 6 November (Friday), Councillor Midgley had asked you to make sure all the hanging baskets were removed before the Remembrance Day procession. She also asked you personally to clear the streets of litter on the Sunday morning. You confirmed that you did not have street cleaners who worked on the weekend.
12. You explained the problems raised with the Councillor's commitments list.
13. You told me that Councillor Midgley's note to the Resources Committee of 17 November had not been read out because it was factually incorrect and would have misled. It concerned a post of an apprentice, which had been fully funded. It had been the Chair who had decided not to read it out.
14. At the Amenities Committee on 1 December, Councillor Midgley had prevented you from speaking. The item was about setting the precept. You had wanted to advise the Committee on an important issue but were not allowed to. Your requests to speak during the item were deliberately ignored and then refused after the item had been voted on – followed by the threat of adjournment if you didn't shut up. The email from Councillor Pacey on 1 December confirmed this.
15. You clarified that the meeting held on 2 December was not about you but about how meetings were conducted.
16. We considered briefly the issue of the training policy posted on the Council's website and Councillor Midgley's comments about this.

17. In February, Councillor Midgley had been emailing and commenting on the proposed training policy in relation to Syston in Bloom. With the position of her husband, however, she had a conflict of interest. At the Amenities Committee on 9 February, she read out an email on behalf of Syston in Bloom but did not declare an interest. She also commented on the letter and the alleged damage it was doing to relations between the Council and the Syston in Bloom Group.
18. Councillor Pacey, in an email of 10 February, had referred to Councillor Midgley again not allowing you to speak and making sarcastic comments. You said that Councillor Midgley shouted you down a lot when you were talking. She would also complain in a meeting about minor presentational points in your reports such as using bullet points instead of numbers.
19. You had learned about the shed on the allotments being burned down at 9 am on a Monday morning. It was shortly before a meeting that Councillor Midgley was expected to attend and you would have told her then. In the event she did not come to the meeting. You telephoned her at about 1pm, directly after the meeting had finished. You didn't think that was unreasonable. In the phone call, she shouted at you 'go away Catherine, I don't want to speak to you' and put the phone down. The Chairman, who had been at the meeting and was still present, witnessed your end of the call.
20. In March, you formally complained to the Chairman about the behaviour of Councillor Midgley. The Chairman was in effect your manager and the Resources Committee was responsible for staffing matters. You told me you had also complained in December and met with the Chairman and Vice Chairman.
21. You said the Vice Chairman had suggested that the Chairman took Councillor Midgley to one side and talked things over. The Chairman had said that this would be fruitless. They were supportive but nothing further was done. You decided then that a Code of Conduct complaint was your only option. You hadn't wanted want to do this but it was a last resort.
22. I asked you if, throughout this, you had let Councillor Midgley know how you felt about her behaviour towards you. You said that around March this year, she asked if you had a problem with her. You said that you did; you told her you thought she was too critical and that she sent emails that were very abrupt and rude. You had also said that she was being too operational in her thinking.
23. As far as you were aware, the other councillors hadn't said anything to Councillor Midgley. They didn't challenge her in meetings. They would sympathise with you after meetings but didn't challenge her during them.

24. You told me that Councillor Midgley’s conduct towards you was continuing. She had recently asked why the flag wasn’t flying when it was. She had asked for the job descriptions for all the ground staff – you hadn’t sent them for data protection reasons. Some job contracts were being reviewed and she had complained that Amenities had been by-passed yet again.

General

25. I asked you about the roles of councillors and officers at the Town Council. You said that councillors were meant to be a critical friend. The councillors made the decisions and if there was any criticism, they carried the can. You provided information for councillors to base their decisions on. You implemented policies and carried out their decisions. You agreed that the councillors ran the council.
26. You thought that most councillors understood their role and also that you provided information for them. But you were the Town Manager and councillors should not get too involved in operational matters.

Sent to witness for confirmation:	15 July 2016
Agreed by witness as an accurate record	15 July 2016

**Document 13: Record of interview with Councillor Ken Pacey,
7 July 2016**

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You confirmed that you had been the Chair of the Town Council during 2015/16. You were also a Charnwood Borough Councillor.

Councillor Janet Midgley

3. You said you had known Councillor Midgley for around 18 years and over that time she had not been any different. She had worked hard for the good of Syston. However, if she cannot achieve what she is trying to, she will explode. She will change very quickly. When she is not under self control, she can say some very nasty and cutting things. She will do this in public and will rip someone to bits if she needs to. If she's not winning an argument, she will get to a tipping point.
4. You told me that Councillor Midgley dealt with the Town Manager very aggressively most of the time. It was right from the start – she did not agree with Catherine's appointment. She had wanted someone who would do what she told them.
5. You said that Catherine was very competent and she wanted things done properly. So there were clashes over changes to how things were done in the past.
6. Catherine had had many sessions with you as Chairman over what she should do. You told her the complaint process was there for her but it had to be her decision. It took her some months to decide that enough was enough.
7. You said you and Catherine had tried to have meetings with Councillor Midgley. One meeting did take place and Catherine put her concerns directly to her. She had asked her what she didn't like and what she would want done better. The answers were sarcastic – saying you won't listen or you won't bother to do it. The meeting didn't improve matters.
8. In your view Councillor Midgley did not treat Catherine with respect and her conduct towards her did amount to harassment and bullying. Much of it was in public and not privately.
9. You recalled a meeting you had with Catherine when she was extremely upset. She said she had just been told by Councillor Midgley that **REDACTED – EXEMPT INFORMATION**.

10. **REDACTED – EXEMPT INFORMATION.**
11. When you asked what evidence she had, Councillor Midgley said she had a friend who lives opposite and she's been looking out and seeing what's going on.
12. You recalled Councillor Midgley's request for a breakdown of stationery costs. It had been made to another member of staff, not Catherine. When the scale of the task was realised Catherine asked you what you thought. You had replied that there were much more important things to be done. Councillor Midgley had a right to ask for it but should accept that it might take a while to prepare.
13. You told me that Councillor Midgley had often said she could ask for anything at any time and it had to be done.
14. You told me that Councillor Turner had emailed you and asked why there was such aggression against Catherine and what you were going to do about it.
15. Regarding training expenditure, Councillor Midgley's reaction was that we'd never had training expenditure before, why have we got to have it now? She wanted a breakdown of all the expenses. But she was not on the Resources Committee. You said this was the beginning of the Syston in Bloom downfall.
16. You had heard at your Friday morning meeting with Catherine about Councillor Midgley's instructions for Remembrance Day. Taking the hanging baskets down at such short notice was impractical and it had never been done before for Remembrance Day. You confirmed the Council did not have outside staff working on Saturday or Sunday.
17. You said it illustrated the problem of Councillor Midgley saying 'do that' and Catherine saying 'hang on – there's a proper process' followed by 'I'm Chair of Amenities – you do it'.
18. Regarding Councillor Midgley's note for Resources, you said it would be the Chair's decision whether to read it out. The note was not particularly polite.

19. You told me the Amenities Committee on 1 December had been a horrific meeting. Councillor Midgley had been going through the agenda – Catherine had pointed out that something was incorrect. Councillor Midgley stopped her from speaking several times during debates – it was not after the vote had been taken. Sometimes she said I’m not going to let you speak – sometimes she just put her hand up in front of her.
20. What Catherine wanted to say was probably a mix of information that councillors needed to know and her opinion. In the end, Councillor Midgley said ‘if you carry on I will adjourn the meeting’.
21. You confirmed that a similar situation had occurred at Amenities on 9 February. Catherine had been stopped from speaking and Councillor Midgley had been sarcastic and rude to her.
22. You confirmed that you had been present when Catherine had phoned Councillor Midgley about the shed on the allotments being burned down. You hadn’t heard Councillor Midgley’s words but Catherine was quite upset at the end of the call. You told me that Councillor Midgley had gone up to the site and told a resident that the council would pay for the fence to be replaced. She had no right to say that - it hadn’t been agreed through the Council.

General

23. You agreed that the Chairman of the Council acted as the manager of the Town Manager. You had met with Catherine every Friday morning to discuss council business. I asked you what happened when Catherine started to raise her concerns with you.
24. You referred to the meeting held with Councillor Janet Midgley. That had not resolved matters. All staff matters were the responsibility of the Resources Committee. They would be discussed confidentially. You said you had tried your own processes but that hadn’t worked.
25. The Council employed an HR company to deal with personnel matters. Catherine had asked the HR consultants and NALC what the process should be. A formal complaint to Charnwood Borough Council had been suggested. Catherine had spoken to you about it for about two months before deciding that she had to do something. You had told her that you couldn’t advise her – it had to be her decision.

Sent to witness for confirmation:	15 July 2016
Agreed by witness as an accurate record	15 July 2016

**Document 14: Record of interview with Councillor Paul Turner,
6 July 2016**

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.

Councillor Janet Midgley

2. I asked you to describe the way Councillor Janet Midgley dealt with the Town Manager. You said it was a bit abrupt. She was abrupt with most people – she might be more abrupt with Catherine because of her position as Town Manager. She hadn't been rude – but she was critical. There had been a couple of occasions when they had argued in a committee about procedures.
3. You said Councillor Midgley was an abrasive character. She wasn't easy going – she says what she thinks. You described Catherine as normal – if either of them were aggressive it would be Janet rather than Catherine.
4. You told me the problems had been going on for all the time Catherine had been here. The biggest issue between them was over the training budget. Janet didn't like it – she said it was a waste of money.
5. You recalled Councillor Midgley's request for stationery costs. Janet thought Catherine was wasting a lot of money by sending out unnecessary correspondence. You said councillors were allowed to ask such questions but they should be justified. You thought the request seemed a bit petty.
6. Regarding training, as you recalled it, Councillor Midgley was complaining that Catherine was doing all the training. As far as you could tell, it was standard career progression – things you needed to do to get the qualifications. You didn't see that as being a problem. Councillor Midgley thought it was wasting the Council's money on training. There was indirect criticism of Catherine because she was the one organising the training. You could understand Catherine feeling under pressure.
7. You said that Councillor Midgley was very concerned that training was being handled by the Finance Committee, which she wasn't a member of.
8. You hadn't seen the note that she had sent in to Resources. I showed you the comments it contained and you said you could understand how they could be taken as a criticism.
9. You didn't know anything about Councillor Midgley's requests for Remembrance Sunday last year.

10. I asked you about the council's personnel procedures. You felt that if Catherine had any issues of concern she would raise them with the Chair. You didn't know how they would be dealt with within the Council as a body.
11. You weren't aware that the Chair and Vice Chair had met with Catherine in November 2015. You weren't aware of anything coming out of the meeting. Nothing had been said to councillors but you would have expected it to be dealt with confidentially anyway.
12. You recalled the Town Manager being stopped from speaking at the December Amenities Committee. You said that Catherine was reading from something and Councillor Midgley just told her to stop speaking. It was during the debate, not after the vote. She had said something like 'if you don't stop speaking I'll close the meeting'. It hadn't been justified. It wasn't just management of the meeting. She didn't like what Catherine was saying and she told her to stop saying it. Catherine had been giving information and advice to the councillors. You said you remembered it because it was quite surprising.
13. You told me you hadn't observed any muddling of roles by the Midgleys in relation to Syston in Bloom. They always declared this interest.
14. You thought the provisions of the training policy regarding volunteers were reasonable, although it was true that the volunteers didn't need to be trained to plant.
15. In summary, you said you had had concerns about the way Councillor Janet Midgley behaved towards Catherine. It didn't happen all the time – she was a volatile person. Telling her to shut up in committee was the one that stuck in your mind. You can disagree with someone but you shouldn't be rude to them – you thought it had been rude. You could see how a series of incidents, though minor in themselves, could be taken as harassing.

General

16. You said that there was a bit of bullying going on – it wasn't just from Councillor Janet Midgley. It wasn't necessarily towards Catherine but amongst councillors. You didn't think anybody was bullying Catherine - most people supported her. You felt she was doing a fine job.

Sent to witness for confirmation:	15 July 2016
Agreed by witness as an accurate record	

**Document 15: Record of interview with Councillor Paul Henry,
6 July 2016**

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You confirmed that you had been a member of the Amenities Committee during 2015/16 and to date and had been a member of the Resources Committee since Jan 2016. You were the current Chairman of the Council.

Councillor Janet Midgley

3. I asked you to describe the way Councillor Janet Midgley dealt with the Town Manager. You said that in recent months, their relationship had become strained. Janet had always been one of the more demanding councillors in terms of wanting information. The relationship was a bit frosty – from both sides.
4. You said Catherine had tended to try to take part in the debates. You had suggested to her that she was there to advise. She now realised that she had to be careful about interjecting. You said that the other committee chairs were more flexible in letting her speak but Councillor Midgley was very quick to say you're not supposed to speak.
5. You said Councillor Midgley could be quite abrupt and assertive. At one meeting she had threatened to close the meeting. You confirmed that this was during the course of the debate. Councillor Midgley had wanted Catherine to stop interjecting. You had understood her asking Catherine to stop jumping in but threatening to close the meeting was a bit too much.
6. We considered the main episodes of conduct in turn.
7. You recalled Councillor Midgley seeking information on the cost of stationery. You thought her request was a bit excessive. You knew that she had pursued it but didn't know of any shouting of demands. You said that there were other councillors who thought they could tell officers to do anything they wanted. You said you were prepared to wait for information you asked for but it had become an issue for Janet and she wanted an answer straight away.

8. The new training policy was dealt with between Resources and Council. There had been some big increases in the training budgets. Janet had been trying to find out why there had been increases. In her note, you hadn't taken the reference to 'developing the Town Manager to do a better job' as critical – it was just saying that yes it was a good idea that she should be trained.
9. You didn't recall Councillor Midgley offering to bring in a cheque for the cost of producing information.
10. You weren't aware of Councillor Midgley's requests for the hanging baskets to be taken down and the Remembrance Sunday parade route to be checked for rubbish. You didn't think that sort of request was the responsibility of a councillor.
11. You didn't know about Councillor Midgley's complaint that her note had not been read out at Resources Committee. You told me it was not unusual for members to send in a note to a committee if they couldn't attend.
12. In November 2015, you hadn't been aware of the Town Manager's concerns about the conduct she was experiencing. It wasn't until you were appointed as Chair in May that Catherine spoke to you about it.
13. You acknowledged there was some muddling of roles by the Midgleys regarding Syston in Bloom. Howard Midgley had always declared his interest in Syston in Bloom but Janet had just left it. It had been pointed out to her that, as her spouse was the Chairman of Syston in Bloom, she had an interest which she should declare.
14. In summary, you did not really perceive any major problems in the way Councillor Midgley dealt with Catherine. Councillor Midgley could be abrupt with other councillors as well. You felt it was just differences of opinion between them.

General

15. I asked you about how the Council managed its personnel responsibilities and functions. You said there was a Human Resources Panel which could be convened. You had told Catherine that if she needed support she should speak to you and you would take steps, speaking to a member if necessary, to sort it out quickly. You thought that maybe the Chair and Vice Chair should have got more actively involved at the time. As another councillor, you had not been aware of the issues and you didn't think others were either.

16. I asked you about the role of councillors and officers. Your view was that councillors made policy and then left it to the officers to implement. You thought it worked both ways; the officers thought that sometimes councillors got too involved and sometimes councillors felt officers were telling them what to do.
17. You commented that many town councillors were long standing members. No doubt when they joined, they read all the regulations but over time, memories dimmed. You were currently reviewing standing orders and you wanted everyone to understand what they said. You thought that sometimes things did get out of hand and people forgot common courtesy.

Sent to witness for confirmation:	15 July 2016
Agreed by witness as an accurate record	

**Document 16: Record of telephone interview with Terry Bailey,
20 July 2016**

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You confirmed that you were the Treasurer of the Allotments Society. You had attended a meeting of the Amenities Committee on 8 March 2016 because there were items concerning the allotments on the agenda.
3. You told me that the Chairman of the Committee had made comments that you had thought were out of order. It was a meeting attended by members of the public and for a councillor to comment the way she did to the Town Manager was totally out of order.
4. You couldn't recall exactly what Councillor Midgley had said. You thought it might have been in connection with the shed being burnt down on the allotments.
5. Councillor Midgley had talked across the Town Manager. Her attitude had been very dismissive. Her general demeanour was not nice.
6. You thought Councillor Midgley didn't show respect to the Town Manager – she should have done. She should have conducted herself better.

**Document 17: Record of interview with Councillor Janet Midgley,
7 July 2016**

1. I introduced myself and explained my appointment and role. I advised you that I would be recording the interview and you consented to this.
2. You told me you had first met Catherine Voyce just over a year ago when you were elected as the Chair of the Amenities Committee. You had explained to her how you went about being a chairman. You like to be kept fully informed on what happened, particularly in the parks. You had also said you would tell her what you thought, straight to her face.
3. You got on alright to start with but found that more and more you weren't being kept informed. I asked you how far down this should go and you said everything. If people rang you up and you didn't know you felt foolish.
4. You told me there had been a meeting on 2 December with Councillors Pacey and Barkley and Catherine following your note to Resources not being read out. You had been given no acknowledgement or reason for this. You had asked for the meeting to clear up this situation.
5. You had since seen the Councillor Pacey's email of 1 December on the subject of your conduct. You questioned why, if they had these concerns, did they not say something in the meeting held only the day after? Nobody had ever raised such concerns with you.
6. You said there had been gossip in the council and the village about **REDACTED – EXEMPT INFORMATION**. You told Catherine because you didn't like the fact that she was being gossiped about and was unaware of it. It also reflected badly on the Council. You had also told **REDACTED – EXEMPT INFORMATION** about it.
7. You said that when you came back on the Council, you were horrified by the amount of paper you were getting. At the same time, the staff were overworked and because of this, Catherine had said they needed an apprentice. You had been trying to find out the costs and the work involved to see if an apprentice was necessary.
8. You accepted that your request was a big job and would have itself created work but you had been prepared to wait. In the end it took less than two hours work. You denied exploding and saying you could ask Catherine to do anything you wanted. You had been taken aback because Catherine had said she wasn't doing it. You did believe, however, that you were entitled to ask for information because without it you couldn't make an informed decision.

9. You accepted that your email of 5 October to Catherine (on a personal note ...) showed that you were conscious of some difficulties. I asked you why you hadn't told her this face to face, as you had said you would in your first meeting with her. You said you had said it to her. You had thought you were complementing her. You did think she was good but overzealous. She was sometimes confused that she was running the council.
10. You said that when you were chairing the Amenities meetings, Catherine would constantly interject. You would usually invite Catherine to present an item. You accepted that you hadn't when the precept was considered. It had been put to the vote but then Catherine realised that she should have said something. You thought it was about making savings – but it was too late. Why hadn't you been told about it before the meeting? You didn't remember stopping her from speaking during the debate.
11. You told me that in November, there had been a lot of dead hanging baskets. There was a big turnout in Syston for Remembrance Sunday. But you wouldn't have said take all the hanging baskets down by Sunday. You couldn't remember telling her to make sure that the streets were clean. You said there was a street cleaner.
12. You confirmed that when you submitted your note to the Resources Committee you weren't a member of it. The note had not been acknowledged and you hadn't been given a reason why it had not been read out. You had requested a copy of what Catherine had said in Committee because you had been told it was derogatory.
13. You had referred to the training policy on the website as being 'downloaded without thought' because it had referred to a parish council. You thought that the training had been rather excessive; the budget had jumped from £2,000 to £12,000. You also felt that the training cost code was not properly reflecting all the costs of training.
14. I asked you about the allegation that you had been rude and sarcastic and had again prevented Catherine speaking at the Amenities Committee on 9 February. You said that could have been the meeting where Catherine suddenly introduced red and yellow cards. You didn't know anything about this. It was up to the chairman how long people were allowed to speak. You said – hang on, you've done your bit. You thought – how can you advise when you're doing all that.
15. I put to you the comments of Councillors Pacey and Barkley of 15 March, which included 'there has been bullying and harassment'. You said you were appalled when you had seen that. You pointed out that Councillor Barkley had never attended an Amenities meeting, so you didn't see how he could state that.

16. You made the point again that, if there were these concerns, why did nobody say something to you. You had never bullied anyone
17. You told me that you had a phone call in mid morning about the shed on the allotments that had burned down. You knew nothing about it. An arson attack was an important thing. If Catherine had been engaged, the deputy could have called you. In the later phone call from Catherine you probably did raise your voice – but it was Catherine who was shouting. You had said ‘I can’t speak to you any more’ and had then put the phone down. You said you had never been spoken to like that by anybody.
18. Looking back, you said that if you had been aware of the issues you could have sat down and talked about them. You believed the Chairman of the Council at the time should have said something to you. It could have been resolved.

Sent to witness for confirmation:	15 July 2016
Agreed by witness as an accurate record	15 July 2016

Document 18: Response of Councillor Midgley to the Draft Report of Investigation

Thank you for your in depth report.

REDACTED – EXEMPT INFORMATION

As you might assume I do have some issues with some of the statements.

I stated at my interview that I could not fight lies or embellishment of facts. There is no point at this stage me stating the untruths particularly by the then Chairman Cllr Pacey. In particular there was a statement made by him **(19) was not after the vote was taken.** If you see the minutes on STC website

424/15 DRAFT BUDGET 2016/2017

The draft budgets for the cemetery and the parks were circulated with the agendas. It was proposed by Cllr H Sreaton and Resolved to agree the 2016/2017 draft budgets for cemetery and parks, with the inclusion of £2,000.00 receipts for code 291 (other hire). All were in favour.

Once spending from the New Cemetery Reserve of £197,057.00 commenced; a new cost code would be created.

The Town Manager was prevented from reporting to Committee on the explanation for the inclusion of certain items in the Capital Expenditure Plan under threat of adjourning the meeting, therefore the three items totalling £17k remained in the precept.

The minutes do bear out it was indeed after the vote on the precept. It also agrees with the statement made by Cllrs Turner and Henry that my 'stopping the Town Manager' speaking was during the meeting but with a different slant.

I also have issues made by Terry Bailey. I am surprised that other members of the public weren't interviewed. The public are at least 45ft away from where I am sitting and his statement shows he was uncertain as to what I said. My query that evening was the amount of extra work the Town Manager was taking on and I did indeed voice it. I would be more comfortable with this if another member of the public was interviewed and if this evidence corroborates Terry Baileys statement so be it. I can only remember Paul Windridge, telephone number xxxxx and Richard Thorpe, xxxxx, both these are members, like Terry Bailey, of the allotment society.

After reading the Town Manager, Catherine Voyce's statements I have come to realise how insecure she feels. She has never given any indication of this always appearing in command of the situation. Hindsight is wonderful, if I had realised this maybe I would have trodden more carefully, this was remiss of me for not noticing.

In conclusion I still stand by what I stated at the interview. I agree I am an assertive person, I am not aggressive or a bully. If I had known, realised or been informed Catherine was upset I would have been equally distressed myself.

I reiterate the then Chairman, Ken Pacey, did not do Catherine, myself or STC any favours as evidence paragraph 21 in the Town Managers statement. To my mind the whole situation could have been resolved much sooner if the Chairman had taken action.

Regards

Janet Midgley

29th August 2016

The Monitoring Officer
Charnwood Borough Council
Southfields Road
Loughborough
Leics LE11 2TT

Dear Adrian,

Please find enclosed my statement to the Member Conduct Committee in response to the complaint made against me by the Town manager of Syston Town Council.

I regret that, due to my ill health, I will be unable to attend any hearing. I give my consent to you verifying this with my consultant. I can provide her contact details if you require them.

You indicated that I could tender witnesses who could speak on my behalf. I would like to tender the following:

1. Councillors

Cllr J Branston
Cllr M Carnall
Cllr P Wright

2. Ground staff

Mr C Summerfield
Mr G Harrison

3. Members of the Public - allotment holders

Mr P Windridge
Mr R Thorpe

I have deliberately not called the office staff because I feel it would put them in an intolerable position if they were to tell the truth.

I have also enclosed the following emails for your perusal:

- 1-2 - show cordial relations
- 3-4 - CV beginning to be abrupt

- 5 - KP friendly and giving advice
- 6 - KP statement
- 7 - CV refuted downloading the training policy
- 8 - A rude encounter

Yours sincerely

Cllr J Midgley

**STATEMENT OF CLLR JANET MIDGLEY IN RESPONSE TO THE
FINDINGS OF THE INVESTIGATION INTO COMPLAINTS MADE ABOUT
HER BY THE TOWN MANAGER**

1. Response to Allegations which are Denied

The page and paragraph numbers refer to the Investigator's final report, dated 11th August 2016

P. 8, Table 1 - Gossip about Mrs Voyce - The assertions made by CV and KP are denied. I said neither of the alleged things -

- Stationery costs - KP's assertion is denied.
- Remembrance Day - The assertion is denied. I never spoke to CV, but to the deputy Town Manager.

P. 9, Table 1 - Prevented from speaking - CV's request to speak was **after** the item had been voted on.

- KP's assertion is not accepted. I did state that if CV carried on I would adjourn the meeting.
- KP's assertion ref 9th Feb is denied. CV declined to comment.

P. 11, 5.5 - I did not raise the matter of [REDACTED] in May 2015 - Our first meeting was in July, so it would more likely have been in September.

5.6 - This is denied. I stated that people were drawing the wrong conclusions.

5.8 - This is hearsay, and is denied. I have never passed any personal opinion about [REDACTED] to either CV or KP, only what others perceived. On the phone call mentioned KP thought it was amusing that I had mentioned it.

REDACTED
EXEMPT
INFORMATION

P. 12, 5.11 - This is denied - Again I will state I never did say I thought [REDACTED], only that the gossip I had heard suggested it.

5.15 - This is denied. I have never 'exploded' or 'shouted' at any council employee. Also there are no witnesses to corroborate this.

5.17 - This is denied. I have never entered into an altercation with CV - I was astounded more to her reply as 'I am not doing it'.

P.13, 5.18 - I did not speak to CV. I spoke to the deputy Town Manager asking, if possible, could the dead hanging baskets be removed. I never said anything about rubbish en route.

5.21 - REDACTED - EXEMPT INFORMATION

[REDACTED] I stress I did not ask the Town manager at all. I spoke to the deputy Town Manager.

5.23 - This is not a true reflection of document 3, as it is simply selected quotes from it. I request that it is read in full. It states quite clearly that I mentioned **all** of the office staff. I was very mindful of the expenditure that would be incurred without proper investigation.

P. 14, 5.28 - Only a small part of the minute from 1st December has been quoted. This is not a true reflection of the meeting. KP is wrong. Please see the minute in full.

5.31 - CV acknowledges that the vote **had** been taken. To allow CV to speak would have been pointless and an embarrassment to her. **If the information was so important why wasn't I informed before the meeting?**

P. 15, 5.35 - KP is mistaken. CV wanted to prepare a right of reply.

5.36 - I was not sarcastic and rude. I deny shouting at CV. In interview I was never asked about this meeting. I have never 'shouted down' CV ever. In fact I have been unable to even speak loudly since last October due to my illness.

5.39 - There is no evidence, other than KP. I was not asked about it.

P. 17, 5.53 - Denied - I did say that I did not want to speak to her any more and put the phone down. I was faced with a verbal barrage from CV. Being called inconsiderate and unreasonable. I do not see that I should have been spoken to by an employee in this way.

P. 18, 5.60 - KP's comments are an unsubstantiated diatribe of opinion and judgment, which does not reflect the truth of how I work.

P. 19, 5.63 - See my response to the draft report.

5.66 - I find the comments about my use of language totally irrelevant and insulting.

5.67 -The selected quotes from the email distort its true meaning.

2. Response to Allegations which are Admitted

P. 8, Table 1 - Gossip about Mrs Voyce -I did talk to her in September. I asked her if it was OK to speak to her about something personal before I started, to which she agreed.

P. 9 - I did prevent CV from speaking, but only because the vote had **already** been taken.

3. Comments about the Investigation

1. The selection of people interviewed . I had no opportunity to tender names of people who could be interviewed. Only one ordinary member of the Amenities Committee was included. The vice Chair was not asked. Also only one member of the public was selected. I was not informed of the pool of names from which the apparently random selection was made.

2. **Redacted – Exempt Information**

3. Several conclusions are inappropriate, for example my use of 'dramatic language', and also the judgments relying on hearsay.

4. The investigation was not conducted on a 'level playing field'. and so I feel that it is flawed.

4. Final Observations

1. No mediation was attempted before the referral was made to the Monitoring Officer. This is referred to on p.48 para 21. Neither the Chairman or vice Chairman of the Council sought to resolve this situation and never once spoken to me about it, contrary to what KP stated.

2. I thought I had a good relationship with KP and TB. For example, KP took my husband and I out for a meal in June 2015. Why has he said nothing to me about all this? Indeed most of the corroboration sought by CV was provided by KP.

3. I have served with five Town Clerks/Managers, male and female, and this is the first time I have met such hostility, rudeness and petulance. All of the previous welcomed my help, experience, honesty and input. This is the way I have always worked. I assumed, wrongly, that any help would be appreciated and not construed as interference or criticism.

I make this statement believing that the contents are true to the best of my knowledge and belief.

Signed

Date

29.8.16

Cllr Janet Midgley

RE:

From: "Catherine Voyce" <Catherine@systontc.org.uk>

To: "Janet Midgley"

Thanks Janet

I will reply to the email complaint regarding Winfield.
I will ask Gary or Clive to weed the grassed area next week.

A copy of the churchyard Act will follow.

I quite enjoyed our meeting - thank you - have a good weekend.

Kind regards
Catherine

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

From: Janet Midgley
Sent: 26 June 2015 16:20
To: Catherine Voyce
Subject:

The round piece of grass in front of the church (lower church street) has recently been mown and doesn't look too bad. In the centre is a rose bush and there were weeds around on the whole it didn't look too bad.

The sign on Winfield does say no golf.

I hope this helps. I felt our first encounter wasn't too bad. Maybe I am not as bad as some may say.

Have a good weekend

JKM

PS Don't forget the church document I want to see.

Sent from my iPad

2

Re: (No subject)

From: "Catherine Voyce" <Catherine@systontc.org.uk>
To: "Janet Midgley"
Cc: "Kenneth Pacey"

Hi Janet

I understand your views, I don't know what has been allowed in the past, but if going forward we allow this family a larger memorial, then we have to allow future similar requests. It could open the floodgates for an unmanageable situation. Just my views, and ultimately not my decision.

Best wishes
Catherine

Sent from my HTC

----- Reply message -----

From: "Janet Midgley"
To: "Catherine Voyce" <Catherine@systontc.org.uk>
Cc: "Ken Pacey"
Subject: (No subject)
Date: Sun, Jul 26, 2015 13:53

For what ever reason replis were not forthcoming and made a situation worse.

There are two options as far as I can see.

1. Amenities meeting in September.
2. Standing Committee whenever.

Full Council is not an option as the agenda has been issued. Leaving it till September is just as bad. So that leaves option 2.

If you go and measure these things at the Cemetery you will see that 'the rules have been broken'. I, for one, would not like to add or prolong the grief of any family and to be uncaring is not an option.

We have to decide whether an extra 3 inches either way is worth the angst for the family.

Personally I would let it go, but who am I?

Regards

Janet

Sent from my iPad

On 26 Jul 2015, at 12:45, Catherine Voyce <Catherine@systontc.org.uk> wrote:

Thank you Janet

Just to confirm dates, I didn't know about the request until Friday and responded immediately with the standard reply of the next planned meeting of amenities. I understand that the request is for the bending of the cemetery rules for this person and therefore unlikely to be approved. In light of this, it may be better not to keep them waiting for too long.

Kind regards
Catherine

Sent from my HTC

----- Reply message -----

From: "Janet Midgley"
To: "Ken Pacey"
Cc: "Catherine Voyce" <Catherine@systontc.org.uk>
Subject:
Date: Sat, Jul 25, 2015 09:43

Good morning Ken.

Thank you for your email. This is the first I have heard of it. Unfortunately it seems to have created a situation through lack of communication. I understand from Catherine that there has got to be a meeting of the standing committee in August so maybe this item can be discussed there.

Re: (No subject) - 'BT Yahoo Mail'

27/08/2016, 16:45

I have learnt over many years as Chairman of the cemetery and in my previous employment dealing with the bereaved is walking on egg shells.

Off on a barge trip hope it doesn't rain.

Love to Maureen

Janet

xx

Sent from my iPad

3

Fwd: Amenities

From: "Catherine Voyce" <Catherine@systontc.org.uk>

To:

Sent from my HTC

----- Forwarded message -----

From: "Catherine Voyce" <Catherine@systontc.org.uk>

To: "Catherine Voyce" <Catherine@systontc.org.uk>

Subject: Amenities

Date: Wed, Jul 29, 2015 10:07

Hi Janet

In addition, the five week wait related to one particular chipper and I only found this out at 5:45 yesterday when the supplier called me back.

Kind regards

Catherine

Sent from my HTC

----- Reply message -----

From: "Catherine Voyce" <Catherine@svstontc.org.uk>

To: "Janet Midgley"

Subject: Amenities

Date: Wed, Jul 29, 2015 10:05

Apologies Janet

I had been working from 5am yesterday due to the heavy workload. I have to be mindful of spending too much time discussing things leading to not enough time for action.

I had discussed it with Ken and he suggested that bringing it to the attention of the whole council was sufficient.

Kind regards

Catherine

Sent from my HTC

----- Reply message -----

From: "Janet Midgley"

To: "Catherine Voyce" <Catherine@systontc.org.uk>

Cc: "Ken Pacey"

Subject: Amenities

Date: Wed, Jul 29, 2015 09:41

Good morning Catherine.

Hopefully the saga of the chipper is now resolved. However there were facts that I had not been appraised about, the five week wait and no warranty. This, to me negates the urgency.

I was shocked not to be informed of the situation with the pick up especially that I had a meeting with you earlier in the day. Motoring expenses are in the Amenities budget and will be deducted from its monies and yet again the Chairman and vice had not been informed of any problems.

Hopefully in the future I will be kept in the loop.

Regards

Janet

Sent from my iPad

4

Re: Amenities

From: "Catherine Voyce" <Catherine@systontc.org.uk>
To: "Janet Midgley"

Hello Janet

Thank you for your email, please don't misinterpret my tone. I answer in a business like manner because I am a business person, I suspect this may come across as **curt on an email**, but it is not meant to read that way. rest assured, the allotment Facebook pages are a "closed site" only seen by approved people & I knew you were "friended" on it. I am not 're-writing the rules, I am reviewing them and nothing will be implemented until council have had the opportunity to read them, make any changes they believe necessary and be privy to the reasoning behind any suggested changes.

I think that there have been advances in the lavortorial department in recent years and there are grants available to fund eco ones, but it's early days and the initial research is being carried out by Griz.

David was using his griddler last week, he invited me to see it in action and it does do a good job. I think David is covered on our insurance for using it on council land, but I will double check. Thank you for pointing it out.

I hope this covers some of your questions.

I hope it isn't necessary for GP or hospital trips tomorrow.

Kind regards

Catherine

Sent from my HTC

----- Reply message -----

From: "Janet Midgley" .
To: "Catherine Voyce" <Catherine@systontc.org.uk>
Cc: "Ken Pacey" .
Subject: Amenities
Date: Mon, Oct 5, 2015 18:39

Dear Catherine,

Thank you for your reply which I must admit your tone surprised me.

To explain my question list. This would have been my crib sheet to use if I had been able to meet tomorrow. I start a new one after each Amenities meeting as I tend to forget, in fact I did forget one thing. As I said as for the rewriting the allotment rules I find it disconcerting to read this on Facebook. Maybe when the Chairman and yourself decide something pertaining to Amenities it might be better to inform me. In my opinion it would be better still to ask the elected Committee what they want, it might turn out that you are wasting your valuable time.

As for the photos thank you. Please thank the staff for all their hard work on that and on the trellis. I see the heap and David's personnel equipment is still there. If we allow him to use it and he is injured are we covered by insurance?

As for the allotments lavatorial problems- this came up a few years ago and Council threw it out. I advise that you are sure that this is viable ie: that everyone is in agreement or again you could be wasting your time.

On a personal note I think you do your job admirably. Over zealous at times but you do not have to prove yourself. When we meet you bristle a little and look for a reason why I am asking things. I ask things because I feel this is what a good Councillor should do, maybe I am misguided.

Your last statement proves to me you think I am trying some sort of manoeuvre or trying to catch you out. As I said during our first meeting I will say what I think straight to your face (I hope you would do the same) and not go away with other Councillors and criticism. Hypocrisy is not in my creed.

Thank you for kind wishes re my health. GP or hospital tomorrow if no improvement.

Regards

Janet

Sent from my iPad

> On 5 Oct 2015, at 15:33, Catherine Voyce <Catherine@systontc.org.uk> wrote:

>
> Dear Janet

>
> Please see attached letters to update you on the allotment letting situation, you will see that Plot 34A is being offered as a re-let and Plot 2A is on their final warning.

>
> Regarding the re-writing of allotment rules - I have discussed this with Ken Pacey, and he has agreed for me to carry out preliminary preparation on the Allotment Schedule and reminder letters. I am in the initial stages of reviewing the rules, comparing them with the recommended Schedule from the National Allotment Society; as well as the reminder letters as all need updating and tightening up in terms of clarity and legalities. Once I have carried out a review, which includes consultation with the Syston Allotment Society; I will be bringing it to the Amenities Committee for discussion and approval - this is where Councillors become involved, on a strategic level.

>
> I attach photographs of the cleared ground at the Cemetery.
>
> The Capital Plan is a suggested plan going forward, it is budgeting for possibilities as well as necessities and any spending relating to it would still require approval by the relevant Committee and Full Council.
>
> Regarding the potential allotment spending; this is only for consideration - I felt certain I told you that I was researching the various options to provide the allotments with a toilet on site. There are various options for this - a composting toilet, an eco toilet or a portaloo. First of all, I need to find out if this is feasible in terms of cost and upkeep. If the project looks achievable, then I will bring the topic to Amenities for further consideration.
>
> I haven't drafted the agenda yet, I am working on it today.
>
> I hope this clears up any ambiguity and reassures you that I am not operating outside of my powers, and would not dream of doing so.
>
> Look after yourself, I hope you are feeling better soon.
>
> Kind regards
> Catherine
>
>
>
> —Original Message—
> From: Janet Midgley
> Sent: 05 October 2015 13:30
> To: Catherine Joyce <Catherine@systontc.org.uk>
> Subject: Amenities
>
> For your perusal.
>
> <MX-2310U_20151005_152236.pdf>
> <20151002_090427.jpg>
> <20151002_090501.jpg>
> <20151002_090517.jpg>
> <20151002_090542.jpg>

5

RE:

From: "Ken Pacey"

To: "Janet Midgley"

Janet

I do not think that there is a questions to Chair item but I would think that any correspondence to the committee would be read out. Not sure about answers but I will do my best to get you answers afterwards if it is not done at council.

Hope this is OK Ken P

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

From: Janet Midgley

Sent: 16 November 2015 11:18

To: Ken Pacey

Subject:

Good morning,

I hope you and Maureen had a good week end.

I have some concerns re: the Resources agenda. I am not sure I will be able to attend the meeting as I find that as the day goes on I am more and more unwell and I must admit would find any stress difficult to cope with.

Am I right in saying if I put my concerns in writing they will be read out at the meeting and more to the point answered?

Regards

Janet

Sent from my iPad

6

RE: Complaint 1

From: "Ken Pacey"

To: "Janet Midgley"

Janet,

Thank you for confirming your position and I will give some thought as to how we might resolve the situation. However I am not sure of just what I can achieve as in the same way of not being able to tell Chairs how to run their meetings, I am not able to dictate to any Members how they may act or operate personally.

I will get back to shortly.

Regards

Ken

From: Janet Midgley

Sent: 25 November 2015, 13:41

To: Ken Pacey

Subject: Re: Complaint 1

My complaint is **initially** to you for you to resolve.

I was hoping last night an apology would be forthcoming. In fact TB and the TM made the situation worse. The TM by silence and TB by his reply.

Had there been an apology at any time before or during the meeting I would not be making this complaint.

I hope this clarifies the situation.

Regards

Janet Midgley

Sent from my iPad

On 25 Nov 2015, at 10:10, Ken Pacey < > wrote:

Janet

I confirm receipt of your complaint but need you to confirm the following.

- 1 Is your complaint against Tom Barkley just a complaint to me, or a formal complaint.
- 2 Is your complaint against Catherine Voyce just a complaint to me, or a formal complaint

My reason I need confirmation of this is because if it is just a complaint then we can try to come to some local agreement (which may prove difficult) but if it is formal complaint then I must pass it on to Charmwood to be dealt with through the code of conduct committee.

Regards

Ken Pacey

7

Re: (No subject)

From: "Catherine Voyce" <Catherine@systontc.org.uk>
To: "Janet Midgley"

No worries Janet
I won't be losing any sleep
Catherine

Sent from my HTC

----- Reply message -----

From: "Janet Midgley"
To: "Catherine Voyce" <Catherine@systontc.org.uk>
Subject: (No subject)
Date: Wed, Feb 3, 2016 21:44

I fully agree that mistakes happen and anyone will accept that, unfortunately it was put in the public arena for all to see. I am afraid 'training' for volunteers such as the veterans of SIB is a thorny problem. I still think if this continues they will walk away.

The insurance they have is third party as I said earlier so doesn't cover them on Council 'business'.

We need to find a solution to the problem, not just for SIB but for all volunteers.

Have a good sleep!

Regards

Janet

Sent from my iPad

On 3 Feb 2016, at 21:34, Catherine Voyce <Catherine@systontc.org.uk> wrote:

I can let them see that a staff error has occurred and the approved version was not uploaded. I would rather not put my staff on the line so I will sleep on it and decide the best course of action.

I am sure any reasonable person would understand that people sometimes make mistakes.

Kind regards
Catherine

Sent from my HTC

----- Reply message -----

From: "Janet Midgley"
To: "Catherine Voyce" <Catherine@systontc.org.uk>
Subject: (No subject)
Date: Wed, Feb 3, 2016 21:29

As you know SIB has got hold of this and I am afraid they will walk away.

What do we do next?

Janet

Sent from my iPad

On 3 Feb 2016, at 21:26, Catherine Voyce <Catherine@systontc.org.uk> wrote:

Thanks Janet

Ursula has uploaded an old version. Not the one approved at full council in January. Thanks for pointing this out.

Regards
Catherine

Sent from my HTC

----- Reply message -----

From: "Janet Midgley"
To: "Catherine Voyce" <Catherine@systontc.org.uk>
Subject: (No subject)

Date: Wed, Feb 3, 2016 21:25

I am sorry but look at the website the policy is also dated December 2015 and it was put on 2nd February 2016.

This has caused problems that I cannot explain.

Regards

Janet

Sent from my iPad

On 3 Feb 2016, at 21:21, Catherine Voyce <Catherine@systemtc.org.uk> wrote:

Janet you must be looking at an old version, the version at Full Council last week certainly did not state parish council in its text and it **wasn't downloaded** from anywhere.

Kind regards
Catherine

Sent from my HTC

----- Reply message -----

From: "Janet Midgley"

To: "Catherine Voyce" <Catherine@systemtc.org.uk>

Subject:

Date: Wed, Feb 3, 2016 18:29

I have just read the Councils training policy on the Councils web site put on yesterday.

3.4 Volunteers

Not only does it state 'Parish Council' it also is totally different as to what I was lead to believe. It certainly eliminates some of Syston in bloom members.

This is all wrong! It has obviously been downloaded from NALC or Other such place without thought.

Regards

Janet

Sent from my iPad

8

the amenities agenda

From: "Catherine Voyce" <Catherine@systemc.org.uk>

To: "Janet Midgley".

1 Files 22KB Download All

PDF 22KB
MX-2614N_20160404_1

Save

Janet

You will find attached, the agenda I was going to give you this morning and on the top I had written a note about the shed being burnt down – I explained to Ursula that I would talk to you about it at the pavilion meeting which I was expecting you to be at. (and she has just confirmed that).

If you had sent your apologies to me regarding the pavilion meeting, as is expected, then I would have known you were not going to be there. Regards. Therefore perhaps a bit of consideration on your part would have avoided you not being informed.

Catherine Voyce
Town Manager



Councillor Janet Midgley – Syston Town Council
Investigator’s response to the submission of Councillor Midgley

1. Response to allegations which are denied

Page 8

Table 1 These are the accounts I received from witnesses and not necessarily my findings. My findings of fact are shown later in section 5.

Page 9

Table 1 As above

Page 11

5.5 The dates of the meetings are as given in Mrs Voyce’s complaint and in her interview with me. Councillor Midgley at interview did not deny challenging Mrs Voyce about **REDACTED – EXEMPT INFORMATION** (first meeting) or telling her that she received information from a friend who lived opposite (subsequent meeting). It is Councillor Midgley’s conduct that is relevant – the dates of the meetings are much less so.

5.6, 5.8 These paragraphs summarise what witnesses told me. My findings are shown at 5.11

Page 12

5.11 My finding is that Cllr Midgley put it to Mrs Voyce that **REDACTED – EXEMPT INFORMATION**. This is consistent with what Councillor Midgley has said.

5.15 This paragraph reports what Mrs Voyce told me. My finding is that Councillor Midgley engaged in an angry altercation with Mrs Voyce.

5.17 See above.

Page 13

5.18 The message to Mrs Voyce was passed on to her by the Deputy Town Manager.

5.21 See above.

5.23 The elements quoted are the ones of concern. The note is shown in full at document 3.

Page 14

5.28 The sentence quoted is of direct relevance to the allegation. The minute will have been approved by the full Council. Councillor Pacey’s email was written immediately after the meeting and I believe carries weight in describing what happened.

5.31 All of the witnesses interviewed stated that Mrs Voyce was prevented from speaking during the debate. She was also prevented from speaking after the vote had been taken, under threat of adjourning the meeting, as accepted by Councillor Midgley

Page 15

- 5.35 Councillor Pacey's email was written the day after the meeting in question and provides evidence of what happened.
- 5.36 At interview, Councillor Pacey confirmed the points made in his email.
- 5.39 Mrs Voyce's allegation is supported by the account of Councillor Pacey.

Page 17

- 5.53 This paragraph reports the allegation of Mrs Voyce. Councillor Midgley stated that she was annoyed and that she probably raised her voice. My finding is that Councillor Midgley engaged angrily and aggressively with Mrs Voyce.

Page 18

- 5.60 As the Chairman of the Town Council, Councillor Pacey worked closely with Mrs Voyce and all councillors during 2015/16. I give weight to his account.

Page 19

- 5.63 Reports the comments of Terry Bailey, a member of the public.
- 5.66 The words mentioned are quoted from Councillor Midgley's emails.
- 5.67 The email is shown in full at document 8.

2. Response to allegations which are admitted**Page 8**

- Table 1 Councillor Midgley confirms raising the matter with Mrs Voyce in September. Mrs Voyce is clear that Councillor Midgley also raised the matter at their first meeting earlier in the civic year.

Page 9

All of the witnesses interviewed stated that Mrs Voyce was prevented from speaking during the debate. She was also prevented from speaking after the vote had been taken, under threat of adjourning the meeting, as accepted by Councillor Midgley

3. Comments about the investigation.

1. In selecting people to be interviewed, my aim was to hear from representative witnesses who had first-hand knowledge of the matters alleged. Witnesses included the past and present Chairs of the Town Council. In fact, three witnesses were members of the Amenities Committee during the period in question, namely Councillors Henry, Pacey and Turner.

2. REDACTED – EXEMPT INFORMATION
3. My findings are based on documentary and witness evidence and are reached on the balance of probabilities.
4. I believe my investigation was carried out fairly and objectively.

Final observations

1. This seems to be the case but does not alter Councillor Midgley's conduct towards Mrs Voyce.
2. I have no comment on this.
3. It is Councillor Midgley's conduct towards Mrs Voyce that is relevant.



MEMBERS CODE OF CONDUCT

Syston Town Council

As a member or co-opted member of Syston Town Council (the Council) you have a responsibility to represent the community and work constructively with staff and partner organisations to secure better social, economic, and environmental outcomes for all.

1. In accordance with the Localism Act provisions, when acting in this capacity you must be committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in the Council:

- a) **SELFLESSNESS:** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefit for themselves, their family, or their friends.
- b) **INTEGRITY:** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- c) **OBJECTIVITY:** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- d) **ACCOUNTABILITY:** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- e) **OPENNESS:** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- f) **HONESTY:** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- g) **LEADERSHIP:** Holders of public office should promote and support these principles by leadership and example.

Whenever you act, claim to act, or give the impression that you are acting in your capacity as a member or co-opted member of Syston Town Council, your conduct will in particular address the statutory principles of the Code of Conduct by:

- a) Championing the needs of residents – the whole community and in a special way your constituents, including those who did not vote for you – and putting their interests first.
- b) Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- c) Not allowing other pressures, including the financial interests of yourself or others connected to you, to deter you from pursuing constituents' casework, the interests of the Borough or the good governance of the Council in a proper manner.
- d) Exercising independent judgement and not compromising your position by placing yourself under obligations to outside individuals or organisations who might seek to influence the way you perform your duties as a member/co-opted member of the Council.
- e) Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- f) Being accountable for your decisions and co-operating when scrutinised internally and externally, including by local residents.
- g) Contributing to making Council's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding yourself and other members to account, but restricting access to information when the wider public interest or the law requires it.
- h) Behaving in accordance with all your legal obligations, alongside any requirements contained within the Councils' policies, protocols and procedures, including on the use of the Council's resources.
- i) Valuing your colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.

- j) Always treating people with respect, including the organisations and public you engage with and those you work alongside.
- k) Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within the Council.

DISCLOSABLE PECUNIARY INTERESTS

2. This section explains the requirements of sections 29 to 34 of the Localism Act 2011 in relation to Disclosable pecuniary interests. These provisions are enforced by criminal sanction.

a) Disclosable pecuniary interests:

A 'Disclosable pecuniary interest' is an interest of yourself or your partner (which means spouse or civil partner, a person whom you are living as husband or wife, or a person with whom you are living as if you are civil partners) within the following descriptions:

I. Employment, office, trade, profession or vocation:

Any employment, office, trade, profession or vocation carried on for profit or gain.

II. Sponsorship:

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 members in carrying out duties as a member, or towards the election expenses of members. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

III. Contracts:

Any contract which is made between the relevant person (or body in which the relevant person has a beneficial interest) and the relevant authority:

- a) under which goods or services are to be provided or works are to be executed; and
- b) which has not been fully discharged.

IV. Land:

Any beneficial interest in land which is within the area of the relevant authority.

V. Licences:

Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.

VI. Corporate tenancies:

Any tenancy where (to member's knowledge):

- a) The landlord is the relevant authority and
- b) The tenant is a body in which the relevant person has a beneficial interest.

VII. Securities:

Any beneficial interest in securities of a body where:

- a) that body (to member's knowledge) has a place of business or land in the area of the relevant authority; and
- b) either:
 - 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 issue share capital of that class.

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: includes 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;

Member: includes a co-opted member;

Relevant authority: means the authority of which the member belongs.

Relevant Period: means the period of 12 months ending with the day on which the member gives a notification for the purposes of section 30(1) of the Act;

Relevant Person: means a member or any other person referred to in section 30 (3b) of the Act;

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.

b) Notification of Disclosable pecuniary interests

Within 28 days of becoming a member or co-opted member, you must notify the Monitoring Officer of any Disclosable pecuniary interests. You must, within 28 days of becoming aware of any new interest or change to any interest registered under this section, notify the Monitoring Officer of the details of that new interest or change.

You must also notify the Monitoring Officer of any Disclosable pecuniary interests that arise at meetings as set out in paragraph 2(e).

c) Register of Interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

d) Sensitive Interests

Where you consider that disclosure of the details of a Disclosable pecuniary interest could lead to you, or a person connected with you, being subject to violence or intimidation, and the Monitoring Officer agrees:

- I. If the interest is entered in 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 a Disclosable pecuniary interest, the details of which are withheld under S32(2) of the Localism Act 2011;
- II. If you are required by paragraph 2(e) below to make a disclosure at a meeting you need only disclose that you have a Disclosable pecuniary interest.

e) Disclosure and non participation in case of Disclosable pecuniary interests at meetings.

If you are present at a meeting of the authority, or any committee, sub-committee, joint committee, or joint sub-committee of the authority, and you have a Disclosable pecuniary interest in any matter to be considered or being considered at the meeting:

- I. You are not able to participate in any discussion of the matter at the meeting;
- II. You may not participate in any vote taken on the matter at the meeting;
- III. You must disclose the existence and nature of the interest to the meeting;
- IV. 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;
- V. You must leave the room where the meeting is held while any discussion or voting takes place, other than as set out in paragraphs 2(f);
- VI. Where you have a Disclosable pecuniary interest in any matter you must not seek to improperly influence any decision on the matter.

f) Dispensations

System Town Council must have regard to all relevant circumstances, grant you a dispensation to enable you to participate and vote on a matter in which you have a Disclosable pecuniary interest in the following circumstances:

- I. that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- II. that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- III. granting the dispensation is in the interests of persons living in the authority's area;
- IV. it is otherwise appropriate to grant a dispensation.

g) Offences

It is a criminal offence to:

- I. Fail to notify the Monitoring Officer of any Disclosable pecuniary interests within 28 days of your election;
- II. Fail to disclose a Disclosable pecuniary interest at a meeting if it is not on the register;

- III. Fail to notify the Monitoring Officer within 28 days of a Disclosable pecuniary interest that is not on the register that you have disclosed at a meeting;
- IV. Participate in any discussion or vote on a matter in which you have a Disclosable pecuniary interest;
- V. Knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a Disclosable pecuniary interest or in disclosing such interest to a meeting;

The criminal penalties available to a court are to impose a fine not exceeding level five on the standard scale and disqualification from being a councillor for up to five years.

Other requirements relating to the registration and disclosure of Disclosable pecuniary interests have been included as local provisions form the purpose of this Code of Conduct.

Other Personal Interests

5. This section explains the requirements for the purposes of the Code of Conduct in relation to other personal interests not covered by the requirements of the Localism Act 2011.

a) Notification of interests

- I. In addition to the Disclosable pecuniary interests notifiable under the Localism Act 2011, you must, within 28 days of this Code being adopted or your election or appointment to office (where that is later), notify the Monitoring Officer in writing of the details of your other personal interests, where they fall within the following descriptions, for inclusion in the register of interests.
- II. You have another personal interest in any business of your authority where it relates to or is likely to affect:
 - a) 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;
 - b) any body;
 - 1) exercising functions of a public nature;
 - 2) directed to charitable purposes; or
 - 3) one of whose principle 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;
- III. You must, within 28 days of becoming aware of any new interest or change to any interest registered under this section, notify the Monitoring Officer of the details of that new interest or change.

b) Disclosure of other personal interests

- I. Subject to sub-paragraphs 5(e) III to IV, where, you have another personal interest described in paragraph 5 (a) (II) above or in paragraph 5 (b) (II) below in any business of your authority, and where you are aware or ought reasonably be aware of the existence of the other personal interest, and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that other personal interest at the commencement of that consideration, or when the interest becomes apparent.
- II. You also have another personal interest in any business of your authority where a decision in relation to that business might reasonably be regarded as affecting your well-being of financial position or the wellbeing or financial position of a **relevant person** to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision;

(B) In sub-paragraph (II) **a relevant person is:**

(aa) a member of your family or any person with whom you have a close association;
or

(bb) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(cc) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(dd) any body or a type described in paragraph 5 (a) (II).

- III. Where you have another personal interest but, by virtue of paragraph 5(d), sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

c) Register of other personal interests

Any interests notified to the Monitoring Officer will be included in the register of interests.

A copy of the register will be available for public inspection and will be published on the authority's website.

d) Sensitive Interests

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, if the interest 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.

e) Non participation in case of other personal interests which are also interests which could lead to bias

- i. Where you have another personal interest in any business of your authority you also have an interest which could lead to bias in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and where that business:
 - (aa) affects your financial position or the financial position of a person or body described in paragraphs 5(a) (II) or 5(b)(II); or
 - (bb) relates to the determining of any approval ,consent, licence, permission or registration in relation to you or any person or body described in paragraphs 5 (a)(II) or 5 (b)(II).
- ii. Subject to paragraph (III) and (IV), where you have an interest which could lead to bias in any business of your authority:
 - (aa) You may not participate in any discussion of the matter at the meeting;
 - (bb) you may not participate in any vote taken on the matter at the meeting;
 - (cc) you must leave the room where the meeting is held while any discussion or voting takes place, other than as set out in sub-paragraphs (III) and (IV).
- iii. Where you have an interest which could lead to bias in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise and you leave the room where the meeting is held immediately after making representations, answering questions or giving evidence.
- iv. Subject to you disclosing the interest at the meeting, you may attend a meeting and vote on a matter where you have an interest which could lead to bias that relates to the functions of your authority in respect of:
 - (aa) housing, where you are a tenant of your authority provided that those functions do not relate to your tenancy or lease;
 - (bb) 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 or governor of a school,

- unless it relates particularly to the school which the child attends;
 - (cc) 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;
 - (dd) an allowance, payment or indemnity given to members; (ee)
 - (ee) any ceremonial honour given to members; and
 - (ff) setting council tax or a precept under the Local Government Finance Act 1992.
- v. Where an interest which could lead to bias in any matter you must not seek to improperly influence any decision on the matter.

f) Dispensations

Syston Town Council must have regard to all relevant circumstances, grant you a dispensation to enable you to participate and vote on a matter in which you have an interest which could lead to bias in the following circumstances:

- i. that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
- ii. that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business;
- iii. granting dispensation is in the interests of persons living in the authority's area;
- iv. it is otherwise appropriate to grant a dispensation.

Gifts and hospitality

You must, within 28 days of receiving any gift or hospitality over the value of £25, notify the Monitoring Officer in writing of the details of the gift or hospitality including the identity of the person from whom it was received.

Any receipt of gifts of hospitality notified to the Monitoring Officer will be included in the register of interests.

**MEMBER CONDUCT PANEL
7TH OCTOBER 2016**

PRESENT: Councillors Parsons, Tassell and Williams.
Councillor Crick (Non-voting Parish Member)

Mr T. Darsley (Investigating Officer)
Mrs C. Howell (Independent Person)
Adrian Ward (Monitoring Officer)

Mr H. Midgley (Councillor J. Midgley's Representative)
Democratic Services Officer (NC)

1. APPOINTMENT OF CHAIR

RESOLVED that Councillor Parsons be appointed Chair for the meeting.

2. DISCLOSURES OF PECUNIARY AND PERSONAL INTERESTS

Councillor Williams declared a personal interest in that she had worked at Loughborough College during the same time as Mrs Voyce, but stated that they had worked in different departments and that the college employed thousands of staff.

3. DETERMINATION OF A COMPLAINT OF A BREACH OF THE MEMBERS' CODE

In accordance with the procedure for dealing with complaints, the Panel was being asked to consider the material facts concerning an investigation into a complaint against Councillor Janet Midgely as set out in the report of the Monitoring Officer, and to decide whether they amounted to a breach of the Code of Conduct of Syston Town Council by Councillor Midgley, and if so, whether it felt it was appropriate to recommend the imposition of a sanction to the Town Council.

4. ADMINISTRATION OF THE PANEL

The Chair explained the order of proceedings and all present (including witnesses) confirmed they understood the procedure. It was established that nobody present was aware of any interests or other reason which could prejudice the ability of the Panel to hold a fair hearing and make a sound determination on the matters in question.

Councillor Midgley's representative indicated he was present as her husband and carer and confirmed that she was unable to attend due to illness which was not expected to improve in the near future if the Panel chose to reschedule the hearing to allow Councillor Midgley to attend.

The Panel agreed that Mr H. Midgley could act as Councillor Midgley's representative, and both Mr H. Midgley and the Panel confirmed that the hearing could proceed.

The Panel agreed that certain elements of this hearing should be considered as exempt, namely the detail of the gossip which it was alleged that Councillor Midgley had spread about the Town Manager and details of Councillor Midgley's ill health, and requested that the Investigator and Councillor Midgley's representative indicate if they wished to introduce exempt matters, prior to doing so, to allow the Panel to move into exempt session.

Introductions were made and the witnesses were then asked to leave the room until they were called in separately during the hearing.

Councillor Midgley's representative requested that the matter be referred back to Syston Town Council to enable Syston Town Council to invoke their grievance procedure. The Chair indicated that this was not possible and that the appropriate processes to arrive at this point had been followed.

5. SUMMARY OF THE PANEL'S PROCEEDINGS

The Investigating Officer presented his case, and called his witnesses into the room individually.

RESOLVED that members of the public be excluded from the meeting during the consideration of matters relating to the exempt elements within the report on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972, but could be present during other items under discussion. (Matters which were considered in exempt session are presented in italic text.)

- (a) Mrs Voyce was questioned by the Investigating Officer concerning the general conduct and behaviour of Councillor Midgley towards her, *and the specific episodes of raising gossip*, seeking information on stationery costs, instructions regarding Remembrance Day, being prevented from speaking at meetings, and the communications regarding the burning down of a shed. She confirmed that she believed that in each episode Councillor Midgley had not engaged with her in an appropriate manner and with mutual respect.

Councillor Midgley's representative explained that Councillor Midgley was not currently contacting Mrs Voyce, in line with Syston Town Council Standing Orders 26, which stated that whilst there was an ongoing investigation she should not deal with the complainant.

Councillor Midgley's representative also questioned Mrs Voyce about the arrangements for checking draft minutes, and why she had not invoked the Town Council's grievance procedure before raising a Code of Conduct complaint.

The Panel clarified with Mrs Voyce details regarding seeking information on stationery costs, instructions regarding Remembrance Day, the communications regarding the burning down of a shed, how apologies for meetings were received and which meetings she attended, and how work requests were given to the Town Manager.

- (b) Councillor Pacey was questioned by the Investigating Officer regarding which meetings of the Town Council he attended, what steps he had taken to address Mrs Voyce's concerns, and the general conduct of Councillor Midgley to Mrs Voyce. He was also questioned with respect to *the raising of gossip*, seeking information on stationery costs, the instructions regarding Remembrance Day, Mrs Voyce being prevented from speaking at meetings, and the communications regarding the burning down of a shed. He stated that he believed Mrs Voyce to be a forward thinking manager and in his personal view Councillor Midgley had not behaved in accordance with Syston Town Council's Code of Conduct.

Councillor Midgley's representative questioned Councillor Pacey about arrangements for checking draft minutes, the communications regarding the burning down of a shed and why he had not invoked the Town Council's grievance procedure. Councillor Pacey stated that he believed it was Mrs Voyce's choice as to how she wanted to handle this situation and had felt it was outside of his position as the Chair of the Town Council to do so.

The Panel clarified details with Councillor Pacey regarding seeking information on stationery costs, Mrs Voyce being prevented from speaking at meetings, the arrangement of pre-meetings and confirmed that a meeting had been held between the Chair, Vice-chair and Mrs Voyce to specifically deal with the issues between Mrs Voyce and Councillor Midgley, which had resulted in a meeting with Councillor Midgley.

There was a brief adjournment of the meeting for 10 minutes.

Councillor Midgley's representative then presented the case on her behalf, and stated that as Councillor Midgley had not been allowed to submit who was requested for interview by the Investigating Officer there were five witnesses to be called.

- (c) Mr Harrison was questioned by Councillor Midgley's representative and explained his role as a grounds person for the Town Council and that he had known Councillor Midgley for 11 years. He confirmed he had not felt belittled or bullied by Councillor Midgley but had not observed the interactions between her and Mrs Voyce.
- (d) Mr Summerfield was questioned by Councillor Midgley's representative and explained his role as a grounds person for the Town Council and that he had known Councillor Midgley for 36 years. He stated that he had not felt bullied, threatened, or belittled by Councillor Midgley and that he could talk to her and receive feedback. He confirmed that he had not observed the interactions between Councillor Midgley and Mrs Voyce or seen them together.

The Investigating Officer did not have any questions for Mr Harrison or Mr Summerfield.

- (e) Councillor Carnall was questioned by Councillor Midgley's representative about his period of office as a Syston Town Councillor, his membership of committees including the Amenities Committee, and his view of how Councillor Midgley

chaired meetings. He reported that Councillor Midgley had been re-elected as Chair of the Amenities Committee whilst this investigation was in progress, which indicated how she was viewed by the majority of the Town Council. He stated that had not seen Councillor Midgley bully, belittle, or shout at the Town Manager. He believed the complaint should have been considered through the grievance procedure first and either should have been resolved by the Chair or by a panel of Syston Town Councillors.

The Investigating Officer questioned Councillor Carnall who stated that he had no knowledge of the episode concerning gossip, the instructions concerning Remembrance Day, did not remember attending the Amenities Committee on 1st December 2015, and couldn't remember details concerning the burning down of a shed.

The Panel clarified with Councillor Carnall that when he was the Chair of the Town Council he had not requested the Town Manager to remove old hanging baskets and litter from the route for Remembrance Day, and regarding Councillor Midgley's re-election as the Chair of Amenities Committee whilst under investigation.

- (f) Councillor Branston was questioned by Councillor Midgley's representative about her period of office as a Syston Town Councillor, her membership of committees including the Amenities Committee, and her view of how Councillor Midgley chaired meetings. She had been aware of raised voices between Councillor Midgley and Mrs. Voyce and believed that Councillor Midgley wished to help the Town Manager in her role. She thought the Chair of the Town Council and the Town Council itself could have resolved this situation rather than progressing to a panel hearing.

The Investigating Officer questioned Councillor Branston who stated that she had no knowledge of the episode concerning gossip, couldn't remember the instructions concerning Remembrance Day, and was not involved in the situation concerning the burning down of a shed. She had been present at the Amenities Committee meeting on 1st December 2015 and confirmed that Mrs Voyce had been prevented from speaking.

Both Councillor Carnall and Branston during questioning by Councillor Midgley's representative mentioned the introduction of red and yellow cards at Town Council meetings, but it was pointed out by the Investigating Officer and confirmed by the Chair of the Panel that the introduction of red and yellow cards at Town Council meetings was not being considered by this Panel hearing and had not been introduced at the Amenities Committee meeting on 1st December 2015.

The Panel clarified details with Councillor Branston regarding the Amenities Committee meetings and with respect to the panel that had recruited Mrs Voyce as the Town Manager.

- (g) Mr Windridge was questioned by Councillor Midgley's representative and confirmed when he attended Amenities Committee meetings as a member of

Syston Allotment Society, and his view of how Councillor Midgley chaired meetings. He had been present at the meeting in March 2016 alongside other members of the public and noted there had been times during the meeting where it had been heated, but he did not remember any bullying or belittling.

The Investigating Officer did not have any questions for Mr Windridge.

The Panel clarified details with Mr Windridge regarding the burning down of a shed and confirmed that he couldn't remember if he had attended the Amenities Committee meeting on 1st December 2015.

Summary statements

Mrs Howell, the Independent Person, gave her views to the Panel regarding the information request about stationery costs, being prevented from speaking at committee meetings, the instructions regarding Remembrance Day and communications regarding the burning down of a shed. She stated that it was her view that:

- the witnesses called by Councillor Midgley's representative did not appear to have been present when the episodes under consideration had occurred,
- previous Chairs and Vice-chairs of the Town Council had attempted to hold conciliatory meetings and had thought they were making progress,
- there appeared to be a clash of personalities, but the evidence suggested the situation had gone beyond that level.

The Investigating Officer summed up the case by stating:

- there had been evidence provided about Councillor Midgley's character and chairmanship but only the conduct of Councillor Midgley towards Mrs Voyce was relevant. Although there were views that more could have been done to resolve the situation internally that did not excuse the conduct of Councillor Midgley,
- he had considered a large volume of evidence and concluded that there had been a clear and significant breach of the Code of Conduct of Syston Town Council by Councillor Midgley as indicated in section 7 of his report, and taking all episodes together there had been a failure to follow the Code on 10 occasions. Councillor Midgley's course of conduct had been persistent, showed a consistent lack of respect towards Mrs Voyce and indicated substantial and serious breaches of the Code of Conduct.

Councillor Midgley's representative summed up the case and referred to the episodes regarding Mrs Voyce being prevented from speaking at meetings, the accuracy of the Amenities Committee meeting minutes, and the raising of gossip. He stated that:

- Councillor Midgley had served on the Town Council since 1991 and had worked with 5 Town Managers during this time, two of whom had submitted character references for Councillor Midgley,

- he believed the allegations were uncorroborated and, in his view, the investigation had been flawed and did not give Councillor Midgley an opportunity to include other witnesses for questioning by the Investigating Officer,
- he referred to Councillor Midgley's health and the impact of this on the investigation,
- had the Chair of the Town Council intervened at the time the alleged issues were occurring, then Councillor Midgley would have apologised for any distress caused.

He concluded by saying that he wished the Panel to find a way forward to enable Councillor Midgley to continue her good work for the Town Council.

The Panel and the Monitoring Officer requested all parties present to withdraw to allow the Panel to consider the evidence in private.

Once all parties had returned to the room, the Chair of the Panel announced the Panel's decision.

RESOLVED

1. that the Panel's decision in relation to the material facts was that Councillor Midgley did raise gossip about Mrs Voyce with her and others, and in doing so, she failed to comply with the following requirements of the Town Council's Code of Conduct:
 - Paragraph (i) – Valuing staff and engaging with them in an appropriate manner that underpins mutual respect;
 - Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Harassment, Bullying and Discrimination Policy);

and the Dignity at Work Policy did not apply to this breach of the Code of Conduct, as it was believed to have been adopted by Syston Town Council on 24th November 2015 which was after the occurrence of these episodes;
2. that the Panel's decision in relation to the material facts was that Councillor Midgley did pursue information on stationery costs, but that in doing so, she did not breach the Town Council's Code of Conduct; however, the Panel stated that it did not condone Councillor Midgley's actions in relation to this matter;
3. that the Panel's decision in relation to the material facts was that Councillor Midgley did prevent Mrs Voyce from speaking at Committee meetings and in doing so, she failed to comply with the following requirements of the Code of Conduct:
 - Paragraph (e) – Listening to statutory officers and taking all relevant information into consideration;
 - Paragraph (h) – Behaving in accordance with the Council's policies (in respect of the Council's Dignity at Work and Harassment, Bullying and Discrimination Policies);

- Paragraph (j) – Always treating people with respect, including those you work alongside;
4. that the Panel’s decision in relation to the material facts was that Councillor Midgley did instruct Mrs Voyce about Remembrance Day and in doing so, she failed to comply with the following requirements of the Code of Conduct:
 - Paragraph (h) – Behaving in accordance with the Council’s policies (in respect of the Council’s Harassment, Bullying and Discrimination Policy);
 - Paragraph (j) – Always treating people with respect, including those you work alongside;

and the Dignity at Work Policy did not apply to this breach of the Code of Conduct as it is believed to have been adopted by Syston Town Council on 24th November 2015, which was after the occurrence of this episode;

5. that the Panel’s decision in relation to the material facts was that Councillor Midgley did communicate with Mrs Voyce about the burning down of a shed on Town Council allotments, but that in doing so, she did not breach the Town Council’s Code of Conduct; however, the Panel stated that it did not condone Councillor Midgley’s actions in relation to this matter;
6. that the Panel’s decision in relation to the material facts was that the general conduct of Councillor Midgley towards Mrs Voyce overwhelmingly failed to comply with the following requirements of the Code of Conduct:
 - Paragraph (h) – Behaving in accordance with the Council’s policies (in respect of the Council’s Dignity at Work policy after its adoption on 24th November 2015, and the Harassment, Bullying and Discrimination Policies);
 - Paragraph (j) – Always treating people with respect, including those you work alongside.

Reasons

1. The Panel considered that, on the balance of probability, Councillor Midgley had raised gossip about Mrs Voyce with her and others and that in doing so she had breached the Code of Conduct.
2. Although the Panel did not condone the behaviours exhibited by Councillor Midgley, when considering this episode in isolation it did not believe it constituted a breach of the Code of Conduct.
3. The Panel considered that, on the balance of probability, Councillor Midgley had prevented Mrs Voyce from speaking at Committee meetings and that in doing so she had breached the Code of Conduct
4. The Panel considered that, on the balance of probability, Councillor Midgley had instructed Mrs Voyce about Remembrance Day and that in doing so she had breached the Code of Conduct.

5. Although the Panel believed the expectations of Councillor Midgley were unreasonable and did not condone her behaviour in relation to this matter, when considering this event in isolation it did not believe it constituted a breach of the Code of Conduct.
6. The Panel considered that, on the balance of probability, the general conduct of Councillor Midgley in respect of Mrs. Joyce was overwhelmingly in breach of the Town Council's Code of Conduct.

The Chair of the Panel stated that before the Panel considered whether or not to recommend the imposition of a sanction to Syston Town Council, it wished to seek views from the Independent Person, the Investigating Officer and Councillor Midgley's representative.

Councillor Midgley's representative noted the Panel's decision and stated that Councillor Midgley had exemplary service with the Town Council and, despite her deteriorating health, she wished to continue to remain part of the Town Council. She had particularly asked him as her representative to state that she would be open to mediation with the Town Manager.

Mr Darsley, as the Investigating Officer, stated that he believed this was a relatively serious matter which involved multiple breaches of the Code. He supported a call for mediation and also stated he believed there should be a wider exercise for the whole Town Council to consider how they worked together, as there appeared to be factions and differing views about how to operate.

Mrs Howell, as the Independent Person, stated she believed the situation required ongoing monitoring to ensure it did not escalate again.

The Panel and the Monitoring Officer requested all parties present to withdraw to allow the Panel to consider whether or not to recommend to Syston Town Council to impose a sanction.

The Investigating Officer left the meeting.

Once all parties had returned to the room, the Chair of the Panel announced the Panel's decision.

RESOLVED that in respect of the breach of the Members' Code of Conduct by Councillor Midgley it be recommended to Syston Town Council:

1. that a formal letter is issued to Councillor Midgley setting out the breaches of the Code of Conduct as identified by the Panel;
2. that the Council remove Councillor Midgley from her appointment as Chair of the Amenities Committee, and prevent her from holding the position of Chair or Vice-chair of any other Council committees or the Council itself for a minimum period of 18 months;

3. that the Council should give serious consideration to engaging professional mediation services in order to improve the specific situation between Councillor Midgley and Mrs Voyce, and also to engaging professional assistance in order to promote good governance and improve working practices both between councillors, and between councillors and employees.

The Chair particularly wished to remind Syston Town Council, in light of the Investigating Officer's comments, of the Nolan principles of selflessness and leadership on behalf of the public.

Reasons

- 1.&2. Having given due consideration to Councillor Midgley's personal circumstances and her record of service as a councillor, the Panel felt that these sanctions were appropriate.
3. The Panel wished to make further recommendations to improve relationships and practices within the Town Council,

Councillor Midgley has a right of appeal which can be exercised within 10 working days of her being informed in writing of the Panel's decision.

The Panel's decision will be published in the form of these minutes, and the Monitoring Officer will also arrange for the publication of a notice of the Panel's findings and Councillor Midgley's right of appeal in a local newspaper and on the Borough Council's website.

REDACTED - EXEMPT
INFORMATION

23rd October 2016

Dear Adrian,

I am sorry I couldn't attend the hearing on the 7th October. I fully accept I didn't do my case any good by my non attendance, I only wish I had been able to appear. As you can imagine I was not happy with the outcome. I was under no illusion that I was tilting at windmills with Borough Councillors as judges and people that didn't know my character.

First I wish to appeal against the judgment.

I am most surprised I did not receive the minutes pertaining to confidential remarks and matters, not being present, I would have thought I was entitled to such minutes and could have great bearing on my appeal.

I will not labour the fact that Cllr K Pacey was mistaken or confused in most of his statements and statements made by others taken out of context.

I was once told that not only does justice have to be done but has to be seen to be done, I feel this hasn't happened. To put it in the vernacular I have been stitched up totally, mainly by a Borough Councillor. I believe this court has been built on shifting sands and is not constituted to administer true justice.

1. REDACTED - EXEMPT INFORMATION REDACTED - EXEMPT INFORMATION
This was totally untrue and could quite possibly have influenced the panels feelings and ultimately their decision/ judgement. In the public gallery there was 1 County Councillor, 4 Borough Councillors, Chairman of STC, one STC and yourself who all knew this statement was false. This is just one example that I have been fighting against.

2. The Town Manager and Cllr K Pacey both gave evidence to the investigator that STC do not employ a weekend litter picker/ street cleaner - to date in this fiscal year STC have paid £1125.66 to such a said person.???

I did not speak to the Town Manager re: Remembrance Day and cannot be responsible for the message given by a third person a bit like Chinese whispers - this was never investigated. ??

3. The Grievance policy was never put into operation, if it had it would have saved a lot of hurt, worry, expense and discord. The Town Manager should have pursued her complaint against me by initially using that process. Why didn't she? On December 2nd a meeting was held between Cllr K Pacey, Cllr T Barkley, the Town Manager and myself re: another matter surely this would have been an ideal time to put any problems forward. They failed to do this. As it happens the first I knew about any disquiet was when I received your letter in April - four months down the line. The then Chairman, Vice Chairman and Town Manager to my mind have not helped STC one jot and added extra expense to the rate payers.

Secondly I wish to appeal against the recommendation.

I consider the recommendation to be unduly harsh. I fully accept both I and the Town Manager are strong characters and I would have fully accepted a recommendation of mediation, perhaps we both need it. Meanwhile I have continued in my chairmanship of the Amenities Committee throughout the distressing period of investigation (ie. the past six months) without any further problem. This demonstrates my ability to work with the Town Manager and fellow councillors.

I strongly appeal against the Committee's recommendation and ask them to reconsider and recommend mediation which I think would be more beneficial to the Town Manager, myself and STC.

Yours sincerely

REDACTED - EXEMPT INFORMATION

Janet Midgley (Cllr)