

SOUTH KESTIVEN DISTRICT COUNCIL
COMPLAINT AGAINST A DISTRICT COUNCILLOR
MONITORING OFFICER DECISION NOTICE

Subject Councillor: Councillor Tim Harrison

Complainant: Councillors Ben Green and Graham Jeal

Date of Notice: 15 January 2025

Summary of complaint:

Complaints were submitted by two Councillors whereby allegations were made against another Councillor of threatening and disrespectful comments being posted on social media.

Alleged breach of the Councillor Code of Conduct:

The Councillor was alleged of breaching the following aspects of the Councillor Code of Conduct:

1. Respect

As a councillor:

- 1.1** *I treat other councillors and members of the public with respect.*
- 1.2** *I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.*

2. Bullying, harassment and discrimination

As a councillor:

- 2.1** *I do not bully any person.*
- 2.2** *I do not harass any person.*

5. Disrepute

As a councillor:

- 5.1** *I do not bring my role or local authority into disrepute.*

Referral for formal investigation

Further to an assessment undertaken by me as Monitoring Officer, in consultation with the Council's Independent Persons, the complaints were referred for formal investigation.

Wilkin Chapman LLP were appointed to lead the investigation into the complaints. As they were similar in nature, and involved allegations against the same Subject Councillor, the complaints were amalgamated into one investigation.

The conclusion of the investigation was that the Subject Councillor did not fail to comply with paragraphs (1) Respect, (2), Bullying, Harassment and Discrimination and (5) Disrepute of the Council's Councillor Code of Conduct.

In consultation with the Council's Independent Persons, I determined in my capacity as Monitoring Officer that no further action be taken.

A copy of the report, and evidence bundle, are attached to this notice and provide full details of the allegations made, together with the findings of the investigation.

All parties have given their consent for the publication of the report and evidence bundle. Parts of the report or evidence bundle are redacted to protect the personal data or personal information of other third parties.

Monitoring Officer Decision:

No further action will be taken in relation to these complaints.

Graham Watts
Monitoring Officer
South Kesteven District Council



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for South Kesteven District Council, into allegations concerning Councillor Tim Harrison.

Dated: 21 November 2024

VOLUME 1 REPORT

wilkin chapman llp

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| Contents | Page |
|-------------------------------------------------------------------------------------------|-------------|
| 1. Executive Summary | 4 |
| 2. Councillor Harrison's official details | 5 |
| 3. Relevant legislation and protocols | 6 |
| 4. Background and Evidence | 9 |
| 5. Councillor Green's, Councillor Jeal's and Councillor Harrison's additional submissions | 12 |
| 6. Reasoning as to whether there have been failures to comply with the Code of Conduct | 13 |
| 7. Finding | 27 |

Appendix A Schedule of evidence taken into account and list of unused material

1. Executive Summary

- 1.1 The Subject Member, Councillor Tim Harrison, is a member of South Kesteven District Council (the Council).
- 1.2 The Complainant, Councillor Ben Green, is a member of the Council.
- 1.3 Councillor Green submitted a complaint to the Monitoring Officer on 1 May 2024 in respect of a comment Councillor Harrison made on social media.
- 1.4 The Complainant, Councillor Graham Jeal, is a member of the Council.
- 1.5 Councillor Jeal submitted a complaint to the Monitoring Officer on 8 May 2024 in respect of a comment Councillor Harrison made on social media.
- 1.6 Following investigation, we have concluded that Councillor Harrison:
 - (a) did not fail to treat others with respect;
 - (b) did not bully another person;
 - (c) did not bring his office or the Council into disrepute.

2. Councillor Harrison's official details

2.1 Councillor Harrison was first elected to the Council on 9 May 2023. He is a Grantham Independent representing St Wulfram's ward. He is a member of the alliance of groups and independent members which forms the Administration of the Council.

2.2 At the time of alleged conduct, Councillor Harrison sat on the following committees:

- Budget – Joint Overview and Scrutiny;
- Community Governance Review Working Group;
- Community Governance Review Working Group – Little Ponton and Sproxton;
- Finance and Economic Overview and Scrutiny;
- Governance and Audit (Chairman);
- Joint Meeting of the Finance & Economic & Environment Overview and Scrutiny Committee;
- Joint Meeting of the Finance and Economic and Culture and Leisure Overview and Scrutiny;
- Planning; and
- UK Shared Prosperity Fund and Rural England Prosperity Fund Board.

2.3 Councillor Harrison attended Code of Conduct training on 11 May 2023 as part of the Induction Programme. He attended Code of Conduct training on 24 July 2024 and, in 2024, he has also completed the following training:

- 17/06/2024 – Equalities, Diversity & Inclusion;
- 17/06/2024 – Local Government Finance Explained;
- 13/06/2024 – Governance & Audit Committee Annual Refresh;
- 10/06/2024 – Planning Committee Annual Refresh Training;
- 10/06/2024 – Safeguarding.

3. Relevant legislation and protocols

- 3.1 Section 27 of the Localism Act 2011 (“the Act”) provides that a relevant authority (which includes town and parish councils) must promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging this duty, the authority must adopt a code dealing with the conduct that is expected of members when they are acting in that capacity.
- 3.2 Under section 28(6) of the Act, principal authorities (which includes district councils) must have in place (a) arrangements under which allegations can be investigated; and (b) arrangements under which decisions on allegations can be made.
- 3.3 Under section 28(7), arrangements put in place under section 28(6)(b) must include provision for the appointment by the authority of at least one Independent Person (“IP”) whose views are to be sought, and taken into account, by the authority before it makes its decision on an allegation that it has decided to investigate.
- 3.4 Section 28(11) of the Act provides that if a relevant authority finds that a member or a co-opted member of the authority has failed to comply with its code of conduct it may have regard to the failure in deciding (a) whether to take action in relation to the member or co-opted member and (b) what action to take.
- 3.5 The Council has adopted a Code of Conduct (“the Code”) (attached at WC 1) which includes the following:

“General Conduct

1. Respect

As a Councillor:

1.1 I treat other Councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech and in the written word. Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas and opinions and policies in a robust but civil manner.

You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public’s expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and

report them to the local authority, the relevant social media provider, or the Police. This also applies to fellow Councillors, where action could then be taken under the Members' Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

5. Disrepute

As a Councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct."

Article 10 European Convention on Human Rights

3.6 In considering issues of disrespect or disrepute in the context of alleged Code of Conduct breaches, we have also considered the right to freedom of speech as set out in Article 10 of the European Convention on Human Rights (Article 10 ECHR):

- *Art 10(1) "Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by a public authority..."*
- *Art 10(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and necessary in a democratic society..."*

3.7 Article 10 ECHR has been enshrined in UK domestic law by Section 1 of the Human Rights Act 1998 (HRA 1998). Section 3 of HRA states that UK legislation must be given effect in a way which is compatible with the ECHR.

4. Evidence and facts

Our appointment

- 4.2 The Council's arrangements for dealing with code of conduct complaints provide that Monitoring Officer ("MO"), in consultation with the appointed Independent Person (IP), shall decide whether or not to investigate a complaint.
- 4.2 Councillor Green submitted a complaint on 1 May 2024 (attached at WC 2).
- 4.3 Councillor Jeal submitted a complaint on 8 May 2024 (attached at WC 3).
- 4.4 Having consulted with two IPs, the MO issued a first Decision Notice (attached at WC 4) dated 13 May 2024 in respect of Councillor Green's complaint.
- 4.5 On 28 May 2024, the MO instructed Wilkin Chapman LLP to conduct an investigation into the complaints.
- 4.6 On 29 May 2024, the MO issued a revised Decision notice (attached at WC 5) to include Councillor Jeal's complaint as it relates to the same Facebook post/comments.
- 4.7 Wilkin Chapman LLP is a solicitors' firm based in Lincolnshire and East Yorkshire with a national local government legal practice. Work in relation to this investigation was undertaken by Estelle Culligan, Gill Thompson and Emily Briggs.

The investigation

- 4.8 During the investigation we undertook formal interviews with:
- Councillor Ben Green – complainant;
 - Councillor Graham Jeal – complainant;
 - Councillor Tim Harrison – subject member.
- 4.9 We obtained signed statements from Councillor Green (attached at WC 6) and Councillor Jeal (attached at WC 7).
- 4.10 An interview transcript was prepared from our meeting with Councillor Harrison (attached at WC 8).
- 4.11 The transcript was sent to Councillor Harrison for approval on 22 July 2024. As we had not received a response from Councillor Harrison, we re-sent our email on 6 August 2024 asking if he could confirm approval of the transcript as soon as possible. In an email of 6 August 2024 Councillor Harrison told us:

"I have only had time for a cursory glance over all this, I am too busy. It all seems in order I am confident that you will have transcribed accurately. If there is any issue in the future we can always return to the video."

- 4.12 On the same day, we replied to Councillor Harrison to say:

"Thank you for your email. I appreciate you are very busy but we would like you to sign the transcript. I will send it to you via Docusign (which

enables electronic signature and return) so if you could give it a read through that would be very much appreciated.”

- 4.13 On 19 August 2024 Councillor Harrison told us:

“I cannot sign this, I haven’t had a copy of the video to compare it, plus I really do not have the time to spend going through it. As you are aware I do not get paid for this time and consider it a waste of my valuable time, where I can actually be achieving something for the constituents.”

- 4.14 The recording was sent to Councillor Harrison on 20 September 2024 via Docusign. Councillor Harrison replied to say:

“Your conditions are not acceptable to me. I am sorry.”

- 4.15 It should therefore be noted that whilst we have relied on the interview transcript, this has not been approved by Councillor Harrison. Copies of the email correspondence referred to in paragraphs 4.11 – 4.14 are attached at WC 9.
- 4.16 Copies of the above, together with other relevant documents are annexed to this report.
- 4.17 We wish to record our thanks for the co-operation and courtesy shown to us by all those whom we contacted during the investigation.

Factual Background

- 4.18 Councillor Green is a Conservative member of the Council representing Isaac Newton ward.
- 4.19 Councillor Jeal is a Conservative member of the Council and Leader of the Conservative Group. He represents St Vincents ward.
- 4.20 The complainants are part of the South Kesteven Coalition Group, which is a group formed by an alliance of Conservative and other members and which forms the largest opposition group on the Council.
- 4.21 Councillor Harrison is a Grantham Independent member of the Council representing St Wulfram’s ward.
- 4.22 Councillor Harrison is a member of the Administration on the Council, as set out above.

Councillor Green’s complaint

- 4.23 On 1 May 2024, Councillor Green put a post on Facebook. The post contained a link to an online article and a picture of Councillor Ellis. Councillor Green stated:

“Former portfolio holder for bins at SKDC, Cllr Patsy Ellis, has left the Cabinet and the Green Party. Did she jump before she was binned? 😊”

- 4.24 The online article is from Lincs online and states:

“Lincolnshire’s ‘first-ever’ Green councillor has left the party and resigned her position on South Kesteven District Council’s cabinet.

The South Lincolnshire Green Party confirmed today (Tuesday) that Councillor Patsy Ellis had resigned from the party.

A party statement said: "We are disappointed, but we wish Coun Ellis well."

Coun Ellis had previously been joint cabinet member for Environment and Waste; however, it is reported she has also stood down from that role.

The party confirmed that Coun Rhys Baker will remain in his role as cabinet member for environment and waste.

"Our Green councillors on South Kesteven District Council, Vanessa Smith, Rhys Baker, and Emma Baker, have built a strong reputation on the council and will continue to work hard for their community," said the party statement.

The South Lincolnshire Green Party celebrated Councillor Ellis' election in May 2023 when she became Lincolnshire's first-ever Green councillor - taking one of the three seats in the Grantham St Vincents ward.

Councillor Dr Smith was next to win on the night in the former leader Councillor Kelham Cooke's Casewick seat, and she was quickly followed by the Councillors Mr and Mrs Baker in Bourne Austerby.

Coun Ellis has been contacted for further comment. Her party listing on the council's website now reads: "Independent (unaligned and not a political group on the council)."

4.25 A copy of the full article is at WC 10.

4.26 Councillor Harrison commented on Councillor Green's post and stated:

*"**Cllr Ben Green** , make sure you avoid me in council! To attack Cllr Ellis in this way is lower than you have ever gone before and that is saying something. [REDACTED] You disgust me. Do the right thing and resign. 🤔🤔"*

4.27 Councillor Green submitted his complaint on 1 May 2024. He stated:

"I write to formally submit another complaint under the Code of Conduct regarding Cllr Harrison's recent behaviour. On May 1, Cllr Harrison made a disturbing statement, saying "...make sure you avoid me in council!" which I perceive as a direct threat:

This incident clearly violates the Code's second article, which prohibits members from engaging in bullying or harassment. As a result, I am compelled to express my concerns about attending future meetings with Cllr Harrison in the chamber, and I believe it is necessary to consider implementing securing measures to prevent menacing in-person behaviour."

Councillor Jeal's complaint

4.28 On 1 May 2024, Councillor Harrison shared Councillor Green's post and his own comment, referred to above at paragraph 4.23, to his own Facebook page and stated:

"Cllr Patsy Ellis is a wonderful woman who has worked hard for this Council."

"This vile Conservative councillor thinks it appropriate to call her out on social media for taking a step back for her own mental health. This is the same person who claimed he had to go into hiding for fear of his life over a face book post, then 6 days later is prancing about like a manic lunatic at the side of the A1 illegally letting off an air horn. Just when I thought the Conservatives could go no lower this vile human proves me wrong."

4.29 Councillor Harrison's post and comment is at WC 11.

4.30 On 8 May 2024, Councillor Jeal submitted his complaint. He stated:

"I would like to make a complaint about the attached social media posting in which cllr Harrison refers to cllr Green as a "Vile conservative councillor". This in my view is a breach of the council code of conduct that states councillors should treat each other with respect."

The attached social media post was made in response to a post by cllr Green questioning why cllr Ellis was removed from the cabinet after months of failure on the waste services portfolio and after she had left the Green Party. The communication came through at 1904 in the evening and it certainly looked to everyone like she had been dismissed from her position. Cllr Greens question was in relation to a newspaper article that was forwarded. His question was entirely legitimate and the response from the councillor in association with his colleagues and supporters is in my view a breach of the code of conduct and unbecoming of the way councillor should engage with each other in public."

4.31 The complaints above were referred for investigation by the MO.

5. Councillor Green's, Councillor Jeal's and Councillor Harrison's additional submissions

Councillor Green

- 5.1 No comments were received from Councillor Green on the draft version of this report.

Councillor Jeal

- 5.2 The following comments were received from Councillor Jeal on the draft version of this report:

"A very comprehensive report – thanks for your work on this. Comments below:

Page 12 looks like an incomplete page. I presume that this is intentional?

Page 19 – there is a factual error here. It says that Patsy's allowance was 11k. She was in fact on a jobshare and her allowance was GBP5,500"

Response

- 5.3 Page 12 (Section 5) of the draft report was left blank for the parties' comments on the draft report and our responses to those comments. It has now been completed.
- 5.4 The reference to the allowance was a direct report of Councillor Harrison's comment during interview but we note Councillor Jeal's correction.

Councillor Harrison

- 5.5 The following comments were received from Councillor Harrison. They are not related directly to the draft version of this report, but our email to him prompted these general comments, which we set out below as we feel they are relevant in the interests of transparency. Councillor Harrison's first response to our email was:

"I don't agree to your terms"

Response to Councillor Harrison's comments

- 5.6 Councillor Harrison's response relates to an email sent to him inviting him to access this Draft Report and Schedule of Evidence via a secure data room.
- 5.7 The terms of accessing the data room are standard terms and state:

"In offering the website data room (Website), Wilkin Chapman has made available a facility which allows viewers (Viewers) to access via the internet information relating to the project and/or transaction. In consideration of accessing the information, Viewers must agree to these terms and conditions in connection with their use of the Website.

Whilst using the Website, Viewers must:

- take all reasonable steps to ensure that none of the information is visible to, or capable of being overlooked by, other persons;*
- not leave computers or other communications devices through which the service is accessed unattended whilst connected to the Website;*

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- not deface, mark, alter, modify, vary (including varying the sequence of) damage or destroy in any way any Information contained on the Website;
- not attempt to download, scan, copy, print, photograph or otherwise capture any of the Information contained in the Website, except to print Information for which the print capability has been enabled as indicated by the Website index and/or download any Information for which the download capability has been enabled as indicated by the Website index;
- not attempt to disable the protection software associated with the Website; and
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- provide a certificate confirming that the provisions have been complied with."

5.8 Councillor Harrison was invited to access the Draft Report and Schedule of Evidence via a secure data room on 20 September 2024 at 12:08. As Councillor Harrison had experienced problems gaining access to another data room, the Draft Report and Schedule of Evidence was sent to him in password protected pdf

format by email at 12:15 on 20 September 2024. At 16:14 the same day, Councillor Harrison responded to say:

"I now have so many emails from you with different links and different requirements. I categorically do not agree to any of your conditions. I wish no joinder with your company. If you and the monitoring officer are unable to see the vexatiousness of what has gone on, then I have no wish to engage further. This is not criminal, yet crazily I am being treated like one, whilst the authority wastes public money. Yet again, I ask you to provide me with the relevant law I am breaking if I publish the details of the complaints and complainants against me? I have wasted far too much time on this nonsense and have no more to waste. Perhaps the best course of action is for me to resign. This poor attempt at bullying is just annoying me."

- 5.9 The MO responded to Councillor Harrison in response to his request about publishing details of the complaints/complainants:

"In terms of publishing details of the complaints and complainants, this is a live and active investigation. It would not be appropriate to publicise any information associated with the complaints under investigation as in doing so could detrimentally impact the investigation itself, together with any subsequent proceedings should any of the cases proceed to a Hearing. This is consistent with the Council's procedure and LGA guidance, hence why the draft reports have been shared with you in confidence. It would be a further breach of the Councillor Code of Conduct to share confidential information with any other third party."

- 5.10 No further comments have been received from Councillor Harrison in respect of the draft report.

6. Reasoning as to whether there have been failures to comply with the Code of Conduct

- 6.1 The relevant sections of the Code and of the relevant protocols which fall to be considered are set out in Section 4 above.

Capacity

- 6.2 Section 27(2) of the Localism Act 2011 requires the Authority to adopt a Code of Conduct dealing with the conduct that is expected of members of the Council “when they are acting in that capacity”.
- 6.3 The Council’s Code of Conduct reflects the requirement of Section 27(2) of the Localism Act.
- 6.4 The Council’s Code is expressed to apply whenever a member is acting in their capacity as a Councillor. We therefore first have to consider whether Councillor Cunnington was acting in an official capacity at the time of the alleged incidents.
- 6.5 The Local Government Association Guidance on the Model Code of Conduct (“the LGA Guidance”) states that:

“The Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- *You misuse your position as a councillor*
- *Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor.*

This means it applies when you are carrying out your official duties, for example when you are considering or discussing local authority business, either as a councillor or representing the local authority on an outside body.

...

The code does not, therefore, apply solely when you are in local authority meetings or on local authority premises.

The code applies to all forms of communication and interaction, including:

- *At face-to-face meetings*
- *At online or telephone meetings*
- *In written communication*
- *In verbal communication*
- *In non-verbal communications*
- *In electronic and social media communication, posts, statements, and comments.*

The includes interactions with the public as well as with fellow councillors and local authority officers.”

- 6.6 Councillor Harrison’s Facebook page is under the name “Cllr Tim Harrison”.
- 6.7 It is clear from the LGA Guidance that this alone does not mean that Councillor Harrison was acting in his capacity when posting on Facebook:

“Simply describing yourself as a councillor in a social media posting or at the top of your page or in your username or profile, for example, does not of itself mean that every posting you make is covered by the Code. There must be a link within the individual posting or thread to your role as a councillor or to local authority business.”

- 6.8 These complaints relate to Councillor Harrison’s conduct on social media on issues relating to Council business.
- 6.9 We have therefore concluded that Councillor Harrison was acting in his official capacity and is therefore subject to the Code of Conduct.

Respect

- 6.10 The definition of Respect in the Code is set out above in paragraph 3.5. We have considered the Local Government Guidance (LGA Guidance) published in July 2021 and relevant case law below.
- 6.11 When describing ‘Disrespectful Behaviour’ the LGA Guidance states:

“Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another. The circumstances in which the behaviour occurs are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurs, who observes the behaviour, the character and relationship of the people involved and the behaviour of anyone who prompts the alleged disrespect.

Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings or written communications such as swearing, ignoring someone who is attempting to contribute to a discussion, attempts to shame or humiliate others in public, nit-picking and fault finding, the use of inappropriate sarcasm in communications and the sharing of malicious gossip or rumours.

Disrespectful behaviour can be harmful to both you and to others. It can lower the public’s expectations and confidence in you and your local authority and councillors and politicians more generally. It influences the willingness of fellow councillors, officers, and the public to speak up or interact with you because they expect the encounter will be unpleasant or uncomfortable. Ongoing disrespectful behaviour can undermine willingness of officers to give frank advice, damage morale at a local authority, and ultimately create a toxic culture and has been associated with instances of governance failure.”

- 6.12 The requirement to treat others with respect must be viewed objectively. Account should be taken of the member’s intent and how their behaviour would reasonably be perceived.
- 6.13 In *Boughton, Dartmouth Town Council* (2009) APE 0419 at paragraph 3.3.6, the Tribunal described a failure to treat with respect as follows:

“A failure to treat others with respect will occur when unfair, unreasonable or demeaning behaviour is directed by one person against another. The circumstances in which the behaviour including the place, who observed it,

the character and relationship of the people involved will all be relevant in assessing whether the behaviour was disrespectful.”

- 6.14 In *Buchanan, Somerset County Council* (2009) APE 0409, in relation to a complaint made by a chief executive, the Tribunal said at paragraph 51:

“In the Tribunal’s view it was desirable that the threshold for a failure to treat another with respect be set at a level that allowed for the minor annoyances and on occasions bad manners which are part of life. During the course of their work people often show a lack of consideration or bad manners but it is not desirable that every such slight should be considered a breach of the Code. To set too low a level might lead to complaints that were about little other than a difference of opinion over the wording of a letter or what amounts to rudeness and for this reason the Tribunal thinks that not every instance of bad manners or insensitive comment should amount to a failure to treat another with respect.”

- 6.15 The key elements of finding a failure to treat others with respect are that the conduct is unreasonable or demeaning and directed by one person against another.

- 6.16 The LGA Guidance states that disrespectful behaviour is *“when unreasonable or demeaning behaviour is directed by one person against or about another.”*

- 6.17 The Oxford dictionary definition of ‘unreasonable’ is:

“beyond the limits of acceptability or fairness”

- 6.18 The Oxford dictionary meaning of ‘demeaning’ is:

“causing someone to lose their dignity and the respect of others.”

- 6.19 The LGA Guidance also states:

*“The key roles and responsibilities of councillors; representing and serving your communities and taking decisions on their behalf, **require councillors to interact and communicate effectively with others. Examples of councillor interaction and communication include** talking to residents, **attending council meetings**, representing the council on outside bodies, and participating in community meetings and events. In turn this means that as a councillor you are required to interact with many different people, often from diverse backgrounds and with different or conflicting needs and points of view.*

*You will engage in robust debate at times and are expected to express, challenge, criticise and disagree with views, ideas, opinions, and policies. Doing these things in a respectful way will help you to build and maintain healthy working relationships with fellow councillors, officers, and members of the public, it encourages others to treat you with respect and helps to avoid conflict and stress. **Respectful and healthy working relationships and a culture of mutual respect can encourage positive debate and meaningful communication which in turn can increase the exchange of ideas, understanding and knowledge.***

Examples of ways in which you can show respect** are by being polite and courteous, listening and paying attention to others, having consideration for other people’s feelings, **following protocols and rules**, showing appreciation and thanks and being kind. **In a local government context this

can mean using appropriate language in meetings and written communications, allowing others time to speak without interruption during debates, focusing any criticism or challenge on ideas and policies rather than personalities or personal attributes and recognising the contribution of others to projects.” [our emphasis]

Freedom of Speech and the right to enhanced protection in freedom of speech within political comment - Article 10 European Convention on Human Rights

6.20 It is important to have regard to the right to freedom of speech as set out above at paragraphs 3.6 and 3.7.

6.21 A number of European court cases have established not only the right to free speech but also an enhanced level afforded to freedom of speech in a political context, and that any interference with that freedom should be carefully scrutinised.

6.22 The case of *Heesom v Public Services Ombudsman for Wales* [2014] EWHC 1504, held that:

- Article 10 of ECHR protects not only the substance of political comment but the form in which it is conveyed;
- a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, non-rational and aggressive is to be tolerated;
- political comment includes comment on public administration and the adequacy of the performance of public duties by others, but not gratuitous personal comments;

6.23 The case of *Jerusalem v Austria* (2003) 37 EHHR 25 held that:

“In this respect the court recalls that while freedom of expression is important for everybody, it is especially so for an elected representative of the people. He or she represents the electorate, draws attention to its pre-occupations and defends its interests. Accordingly, interference with the freedom of expression of an opposition member of parliament, like the applicant, call for the closest scrutiny on the part of the court.”

6.24 In *Sanders v Kingston (No.1)* [2005] EWHC 1145 (Admin) the original tribunal held that, in the Leader of Peterborough Council’s responses to a letter circulated by Carrickfergus Council to other councils in the UK asking for support on a particular issue relating to the personal tragedy of soldiers’ suicides, his comments and other comments made publicly, amounted to personal abuse.

6.25 In summary, the facts were that the leader wrote a response on a letter passed to him by the Chief Executive, in response to a request made by Carrickfergus Council.

6.26 Councillor Sanders wrote a handwritten note on a copy of the letter and returned it to the Carrickfergus Chief Executive as follows:

“Members of the Armed Forces DO get killed be it accident or design — THAT is what they are paid for.”

6.27 He then signed the comment and identified himself as Leader.

- 6.28 There were further exchanges between the Leader of Carrickfergus Council and Councillor Sanders, the matter was leaked to the press and Councillor Sanders continued to make highly offensive comments. Councillor Sanders also used aggressive and rude language in various conversations with journalists covering the story.
- 6.29 During the investigation into the subsequent Standards complaint against Councillor Sanders, he claimed that Article 10 was engaged and that he was exercising his right to free speech.
- 6.30 The Standards Board for England found that Councillor Sanders had breached the Code of Conduct both in his written comments and in his conversations with journalists.
- 6.31 In Councillor Sanders' appeal, the judge stated that, on the issue of freedom of speech, there were three questions to answer:
- “1. Was the Case Tribunal entitled as a matter of fact to conclude that Councillor Sanders' conduct was in breach of the Code of Conduct ?
 2. If so, was the finding in itself or the imposition of a sanction *prima facie* a breach of Article 10 ?
 3. If so, was the restriction involved one which was justified by reason of the requirements of Article 10(2) ?”
- 6.32 The appeal held that, on the first point, the Standards Board were entitled to conclude that Councillor Sanders was in breach. The tone and disrespectful nature of his comments on the letter and subsequently and in interviews with journalists was not what would be expected of a council leader. The court held also that, on the second point, Article 10 was engaged because of the issues of free speech, but Councillor Sanders' comments were not expressions of political opinions that attracted the higher protection afforded by article 10. They were simply expressions of personal anger and abuse.
- 6.33 On the final point, the court considered whether the restrictions imposed on Councillor Sanders were justified under Article 10 (2) – i.e. *necessary in a democratic society for the protection of the rights of others*. The court held that the adoption of a Code of Conduct was required by law and ensured a minimum set of standards in councillors' conduct. Councillor Sanders had signed up to the council's Code of Conduct and, as his actions and words were not held to be expressions of political opinion, the interference in his right to freedom of speech, by the finding of the Standards Board that he was in breach, was justified under Article 10(2).
- 6.34 The three part test was applied in the case of *(Calver) v Adjudication Panel for Wales* (2013). This was a judicial review case in which a councillor sought judicial review of the decision of a county council's standards committee which found that comments he made about the community council and its members on the internet failed to comply with paragraphs 2(b) and 4 of the Code of Conduct by, respectively, not treating others with respect, and bringing the community council into disrepute.
- 6.35 The court adopted the three questions identified in *Sanders v Kingston* and found that the committee and the panel were entitled to conclude that the councillor's comments breached the Code of Conduct.

- 6.36 In answering the second and third questions, the court concluded that the panel's decision that the councillor's comments were in breach of the Code of Conduct was a disproportionate interference with his rights under Article 10.
- 6.37 The approach was also adopted in the recent case of *R (on the application of Clive Robinson) v Buckinghamshire Council (2021)*, when the court held that a finding by a local authority monitoring officer that a parish councillor had breached a code of conduct by making statements about the motivations, intentions and integrity of the other councillors at a public meeting to discuss green belt development had been an interference with his right to freedom of expression under ECHR Art.10. His statements attracted the enhanced protection afforded to political speech and debate, and the interference was not proportionate to the aim of protecting the reputation of the other councillors.
- 6.38 We have considered both complaints under the three stage test set out in *Sanders v Kingston* above.

Is the conduct a breach of the Code of Conduct?

Councillor Green's complaint

- 6.39 Councillor Green's complaint is that Councillor Harrison's commented, "... *make sure you avoid me in council!*" on Councillor Green's post of 1 May 2024.
- 6.40 In his statement, Councillor Green states:

"In interpreted Councillor Harrison's comment "make sure you avoid me in council!" as a direct physical threat and believe it would be very hard to interpret such a comment in any other way. He wasn't saying 'avoid me in debates or I'll shoot you down' it was there in black and white and was a clear threat.

As a result of Councillor Harrison's comment, I requested security to be present in the Council Chamber. I've always tried to steer well clear of Councillor Harrison. He has a certain charisma, very manipulative traits and tries to win people over and get them on side."

- 6.41 In interview, Councillor Harrison told us:

"...I told him to stay away from me as I've told Graham Watts and as various other ... Councillors in our group have said to Graham Watts, tell him to stay away from me. We don't want them coming up and talking to us, we don't want them standing in our personal space, there's no threat there.

I have not even raised my voice with him.

At no point have I raised my voice with him, at no point, in fact, I have, I don't think I've spoken to him outside of full Council. And then it's not too him, it's through the Chairman of the Council. So, he would have no reason to be feared of me, it was a statement to stay out of the way..."

- 6.42 When asked whether Councillor Green would have known the reason for Councillor Ellis stepping back, Councillor Harrison told us:

"Why would he not ask? ... it was fairly well known ... [REDACTED] was fairly well known, because she had to [REDACTED].

[REDACTED]
... if I had done what he'd done, to her, he would have made some sort of complaint about it. I didn't make a complaint. I highlighted him, what he was doing, and how disgusting it was [REDACTED]
[REDACTED]

And that is my personal opinion. I, and again, if that's going against the code of conduct then so be it, and I would do the same again. I wouldn't make apologies for that. You pick on any woman, I don't care who it is, and I will defend them if the case is that way, more so, if you pick on a woman with valid reasons like Patsy had who's also in my group. I get very poppa bear protective over the group of Councillors in my group and I feel that if I don't step up ...it'd be the same I'd do with my daughters, you know, nobody's gonna have a go at women for a bit of political what he's tried to say was banter."

- 6.43 We understand that Councillor Green might take issue with Councillor Harrison's comment. When read in the context of the whole post, it is clear that the comment is disrespectful. Councillor Harrison states, *"To attack Councillor Ellis in this way is lower than you have ever gone before and that is saying something"* and *"Do the right thing and resign"*, followed by angry and swearing emojis.
- 6.44 Councillor Green's post is mocking and critical of Councillor Patsy Ellis. Councillor Green's comment, *"Did she jump before she was binned"* is mocking and irreverent but does link directly to the content of the original article. That article gives no personal reasons for Councillor Ellis' resignation; it simply states that she has resigned from both her position as joint cabinet member for Environment and Waste and has left the Green Party, a fact confirmed by the Green Party. At the time, we are aware that the Council had suffered from several months of issues over waste and recycling issues and it had been a major issue for many residents.
- 6.45 Councillor Harrison expressed his unhappiness in interview because he knows the personal reasons behind Councillor Ellis' resignation. However, there is no reason why Councillor Green should look behind the press article and seek out reasons before commenting. We are also surprised that Councillor Harrison makes the distinction of Councillor Ellis being a woman. We find this patronising towards Councillor Ellis, who is clearly a councillor who has held a very senior and responsible position as Cabinet member. She, like every other councillor, is open to robust criticism.
- 6.46 Without any other personal reasons set out in the article, Councillor Green is bound to challenge and call into question the reasons for Councillor Ellis' resignation.
- 6.47 Councillor Harrison was angry with Councillor Green's comments and responded directly. However, we do not think that the phrase automatically reads as a threat. It could be a threat, but it could also simply be an expression of anger, telling Councillor Green to avoid him at Council, not to speak or approach him etc. However it reads, the comment, taken together with the rest of Councillor Harrison's post, is disrespectful and potentially a breach of the Code of Conduct.

Councillor Jeal's complaint

6.48 Councillor Jeal's complaint is that Councillor Harrison referred to Councillor Green as a "vile conservative councillor".

6.49 In his statement, Councillor Jeal states:

"This complaint stems from a comment made by Councillor Harrison on Councillor Green's Facebook post of 1 May 2024.

...

Information about Councillor Ellis' unexpected resignation was circulated out of hours on a Friday night by the Leader of the Council, Councillor Baxter. Emails about out of hours resignations from the Leader on a Friday night suggested to everyone that something unusual has happened. It was widely rumoured that Councillor Ellis was failing at her job, a job she shared with Councillor Baker. It was also widely rumoured that they had a challenging working arrangement which was further substantiated when Councillor Ellis resigned from the Green Party shortly afterwards. It followed a chaotic two weeks where the wheels had absolutely come off her service area. Opposition has to be allowed to oppose the administration. I think the point raised by Councillor Green was an entirely legitimate point to make from an opposition concerned about a failing service area and poor council leadership in the area.

...

I think Councillor Harrison's comment crosses the line. This week a member of staff was attacked. It is the second time that has happened in the last month. There is a direct line between dialogue like that and members of staff being physically attacked.

6.50 The use of the phrase "vile conservative councillor" is clearly a disrespectful comment, particularly taken in the context of the rest of the post and the whole phrase, "This vile Conservative councillor thinks it appropriate to call her out on social media for taking a step back for her own mental health". Further down the comment, Councillor Harrison states, "Just when I thought the Conservatives could go no lower, this vile human proves me wrong."

Is the finding in itself or the imposition of a sanction prima facie a breach of Article 10 ?

6.51 We have considered whether a finding of a breach of the Code of Conduct (disrespect) impacts on Councillor Harrison's Article 10 rights to freedom of expression.

6.52 Following the second test set out in *Kingston v Sanders*, this is clearly an issue of freedom of speech so Article 10 ECHR is engaged.

Councillor Green's complaint

6.53 In his statement, Councillor Green states that he thinks Councillor Harrison crosses the line into personal abuse. He states:

"... I consider this a personal attack and not something within the realms of political commentary."

- 6.54 Councillor Green's original post itself is clearly protected political commentary under well established principles set out in *Heesom* and other cases. He is mockingly highlighting that the former Cabinet member for Environment and Waste has resigned and left the Green Party. We find that this is an acceptable form of challenge to the Administration because of how Councillor Jeal explains that Councillor Ellis' resignation followed "*a chaotic two weeks where the wheels had absolutely come off her service area*"
- 6.55 Whilst *Heesom* explains that a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, non-rational and aggressive is to be tolerated, it also goes on to say that does not include "*gratuitous personal comments*".
- 6.56 However, the facts of *Heesom* and other cases, demonstrate that personal comments can be valid political commentary, if related to the political issue in hand. One of the allegations in *Heesom* related to a meeting of the People and Performance Scrutiny Committee at which the Director of Adult Social Care and Social Services and the Head of Adult Social Services were called to attend a meeting as the committee was considering sickness levels and implementation of "return to work" procedures for two Council Departments, including theirs. It was alleged that, during the meeting, Councillor Heesom described the Adult Social Care Directorate as "a shambles" and "shambolic"; and, whilst looking at the two managers in a threatening manner, he said that a number of managers at the Council had been dispensed with and "*there are more to go*". The two managers considered this threatening.
- 6.57 The case tribunal considered the evidence and found that the words were said, and with the intention and effect of threatening the two senior officers. In their Breach Decision the tribunal found that:

"i) The description of the management of the department as a shambles and shambolic by Councillor Heesom comprised comments of political expression, which attracted enhanced protection. Therefore, whilst it was a failure to show respect to others within the terms of the 2001 Code of Conduct, the tribunal considered that a finding of breach of the Code would have been a breach of the Appellant's article 10 rights. Consequently, no breach was found.

ii) In relation to the threat to the two senior managers that a number of managers had gone and there were more to go, the tribunal considered that this was borderline, but fell within the scope of political expression. They accepted that the two officers were of a senior level, and hence would have a greater degree of robustness. They also accepted that the comments "have to be viewed in the context of criticism of the directorate as a whole earlier in the meeting". However, they said:

"... [T]he comments were a threat. [Councillor Heesom] was an elected councillor and therefore had a quasi-employer status towards employees of the Authority and as such the comment could break the obligation of mutual trust between employer and employee. These lead us to a conclusion that restricting [Councillor Heesom]'s article 10 and common law rights is justified and proportionate..."

6.58 In the Appeal, the judge agreed with both findings:

- that use of the words “shambles” and “shambolic” was protected freedom of political expression and therefore there was no breach of the Code of Conduct and;
- that the implied threat to the two officers regarding their employment, both by Councillor Heesom’s words and the “look in his eye” was also protected freedom of political expression under Article 10, but, because of the quasi-employer status between councillor and employer, interference with that Art 10 by a finding of breach was justified.

6.59 We find that this situation is analogous to Councillor Green’s complaint with a difference due to the fact that this is commentary between councillors and not between a councillor and officer. Councillor Harrison is responding to Councillor Green’s political commentary. Councillor Harrison’s statement could be read as a threat or simply an expression of anger. However, following the example in *Heesom*, it is still protected under Article 10. As both Councillors Green and Harrison are councillors and neither is in a position of authority over the other, we find that there is no requirement to interfere with Councillor Harrison’s Article 10 rights to protect Councillor Green.

Councillor Jeal’s complaint

6.60 The Collins Dictionary definition of the word ‘vile’ states:

“if you say that someone or something is vile, you mean that they are very unpleasant.”

6.61 Councillor Harrison was clearly very upset and angry by Councillor Green’s post. In interview, he reiterated the comment to us. He stated:

“anybody that picks, knowing what they knew about Councillor Ellis and using that as a political piece of.... whatever you wanna call it, political piece of propaganda, is vile.”

6.62 We accept that the meaning of “vile” is “very unpleasant”. As stated above, Councillor Green has not held back in his use of mocking terms to describe Councillor Ellis. He asks if she has been “binned”, mockingly referring to both her previous role as Cabinet member for Environment and Waste Services and the problems that the Council had with the waste service under her time as Cabinet member.

6.63 *Heesom* makes clear that, in the political arena, shocking and offensive comments which would not be tolerated in ordinary discourse, should be tolerated. That is particularly the case when a comment is in response to a similarly offensive comment. In the case of *Jerusalem v Austria*, it was held that:

“The Court recalls that the limits of acceptable criticism are wider with regard to politicians acting in their public capacity than in relation to private individuals, as the former inevitably and knowingly lay themselves open to close scrutiny of word and deed by both journalists and the public at large. Politicians must display a greater degree of tolerance, especially when they themselves make public statements that are susceptible to criticism.”

- 6.64 In the context of Councillor Green's comments about Councillor Ellis and the Lincsonline article and taking into account that the word "vile" is a strong word, but simply means "unpleasant", we find that a finding of a breach of the Code of Conduct would interfere with Councillor Harrison's Article 10 rights to freedom of political expression.
- 6.65 We have therefore concluded that Councillor Harrison's conduct in respect of both Councillor Green and Councillor Jeal's complaints were not a breach of paragraph 1 (Respect), of the Code of Conduct.

Bullying

- 6.66 The definition of Bullying in the Code is set out above in paragraph 3.5.
- 6.67 The definition of bullying used by the Arbitration, Conciliation and Advice Service (ACAS) is:

"Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, denigrate or injure the recipient. Bullying or harassment may be by an individual against an individual (perhaps by someone in a position of authority such as a manager or supervisor) or involve groups of people. It may be obvious or it may be insidious. Whatever form it takes, it is unwarranted and unwelcome to the individual." (Advice leaflet - Bullying and harassment at work: Guidance for employees, ACAS March 2014)

- 6.68 The LGA Guidance states:

"Like disrespectful behaviour, bullying can be difficult to define. When allegations of bullying are considered it's likely that the person handling the complaint will consider both the perspective of the alleged victim, and whether the councillor intended their actions to be bullying. They will also consider whether the individual was reasonably entitled to believe they were being bullied.

Conduct is unlikely to be considered as bullying when it is an isolated incident of a minor nature, where it is targeted at issues, rather than at an individual's conduct or behaviour, or when the behaviour by both the complainant and councillor contributed equally to the breakdown in relations. However, the cumulative impact of repeated 'minor' incidents should not be underestimated.

Examples of bullying include but are not limited to:

- *verbal abuse, such as shouting, swearing, threats, insults, sarcasm, ridiculing or demeaning others, inappropriate nicknames, or humiliating language*
- *physical or psychological threats or actions towards an individual or their personal property*
- *practical jokes*
- *overbearing or intimidating levels of supervision, including preventing someone from undertaking their role or following agreed policies and procedures*
- *inappropriate comments about someone's performance*

- abuse of authority or power, such as placing unreasonable expectations on someone in relation to their job, responsibilities, or hours of work, or coercing someone to meet such expectations
- ostracising or excluding someone from meetings, communications, work events or socials
- sending, distributing, or posting detrimental material about other people, including images, in any medium
- smear campaigns

Does this mean that councillors cannot raise concerns about officers or fellow councillors?

Bullying behaviour should be contrasted with the legitimate challenges which a councillor can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views. However, if your criticism is a personal threat or abusive or offensive in nature, you are likely to cross the line of what is acceptable behaviour.”

6.69 The LGA Guidance also states:

“Some bullies lack insight into their behaviour and are unaware of how others perceive it. Others know exactly what they are doing and will continue to bully if they feel they are unlikely to be challenged. Bullying can sometimes be overlooked, as a result of common euphemisms being used by way of explanation or justification, referring to someone as having a “poor leadership style” or a “bad attitude,” for example, or to the problem being due to a “personality clash”.

You should always be mindful of the overall potential impact of the behaviour on others. First and foremost, bullying can have a significant impact on the recipient’s well-being and health. Bullying can have an impact on a local council’s effective use of resources and provision of services. Officers who are subject to bullying are frequently away from their posts, sometimes for extended periods, on sickness or stress-related leave. Bullying can impact on a councillor’s ability to represent their residents effectively. It can also discourage candidates from standing in local elections, making local councils less representative of their communities, and impacting local democracy.”

Councillor Green’s complaint

6.70 In his statement, Councillor Green states:

“I interpreted Councillor Harrison’s comment “make sure you avoid me in council!” as a direct physical threat and believe it would be very hard to interpret such a comment in any other way. He wasn’t saying ‘avoid me in debates or I’ll shoot you down’ it was there in black and white and was a clear threat.

As a result of Councillor Harrison’s comment, I requested security to be present in the Council Chamber. I’ve always tried to steer well clear of

Councillor Harrison. He has a certain charisma, very manipulative traits and tries to win people over and get them on side."

6.71 In interview, Councillor Harrison told us:

"...I told him to stay away from me as I've told Graham Watts and as various other one, Councillors in our group have said to Graham Watts, tell him to stay away from me. We don't want them coming up and talking to us, we don't want them standing in our personal space, there's no threat there.

I have not even raised my voice with him.

At no point have I raised my voice with him, at no point, in fact, I have, I don't think I've spoken to him outside of full Council. And then it's not too him, it's through the Chairman of the Council. So, he would have no reason to be feared of me, it was a statement to stay out of the way..."

Councillor Jeal's complaint

6.72 In his statement, Councillor Jeal states:

"The relationship between the groups at the Council has been toxic and unprofessional for a long time, but it has gotten significantly worse since the last election. Swearing in the Chamber has become normalised over the last couple of years. Coming from a professional background I have always found that slightly difficult. Overnight, when Ashley Baxter was elected leader, you could see all of the sensible people in the Council sort of pushed to one side and louder more antagonistic councillors now in control.

The outcome of this behaviour deters people from the Council and is detrimental to getting officers to join the Council. There are good people on the Council and good officers but most of them now, frankly, are saying 'I've got better things to do with my time'. I find myself thinking, what on earth have I signed myself up for?

...

I think Councillor Harrison's comment crosses the line. This week a member of staff was attacked. It is the second time that has happened in the last month. There is a direct line between dialogue like that and members of staff being physically attacked."

6.73 In his statement, Councillor Green states:

"... I consider this a personal attack and not something within the realms of political commentary."

6.74 In interview, Councillor Harrison told us:

"... anybody that picks, knowing what they knew about Councillor Ellis and using that as a political piece of, whatever you wanna call it, political piece of propaganda, is vile."

6.75 Councillor Harrison also told us:

“... I got elected on being transparent to the people who voted for me and that’s what I will continue to do at all times, and if it gets me in trouble I will continue to do it...”

6.76 Councillor Harrison’s comments were made on Facebook and could be seen by a wide audience. However, we have stated above why we believe neither the statements, “*Make sure you avoid me in Council*” and “*vile conservative councillor*” are not a breach of the Code of Conduct (Respect) and are protected under freedom of political expression. For the same reasons, we find that there is no aspect of bullying.

6.77 We have therefore concluded that Councillor Harrison’s conduct was not a breach of paragraph 2 (Bullying) of the Code of Conduct.

Disrepute

6.78 The definition of Disrepute in the Code is set out above in paragraph 3.5.

6.79 The LGA Guidance states:

“As a councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. Article 10 of the European Convention on Human Rights protects your right to freedom of expression, and political speech as a councillor is given enhanced protection but this right is not unrestricted. You should be aware that your actions might have an adverse impact on your role, other councillors and/or your local authority and may lower the public’s confidence in your ability to discharge your functions as a councillor or your local authority’s ability to discharge its functions.

*In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor’s behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:*

- 1. reducing the public’s confidence in them being able to fulfil their role; or*
- 2. adversely affecting the reputation of your authority’s councillors, in being able to fulfil their role.*

*Conduct by a councillor which could reasonably be regarded as reducing the public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.”*

6.80 For the reasons stated above, i.e. that Councillor Harrison’s comments are protected under Article 10 ECHR, we find that there is no issue of disrepute.

6.81 We have therefore concluded that Councillor Harrison’s conduct was not a breach of paragraph 5 (Disrepute) of the Code of Conduct.

7. Finding

- 7.1 Our conclusion is that Councillor Harrison has not failed to comply with paragraphs (1) Respect, (2) Bullying and (5) Disrepute of the Council's Code of Conduct.

21 November 2024

Wilkin Chapman LLP
Investigating Solicitors



SOUTH
KESTEVEN
DISTRICT
COUNCIL

Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for South Kesteven District Council, into allegations concerning Councillor Tim Harrison.

Dated: 21 November 2024

VOLUME 2

SCHEDULE OF EVIDENCE

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Appendix A

Schedule of evidence taken into account and list of unused material

| Page | Number | Description |
|------|--------|----------------------------------------------------------|
| 3 | WC 1 | Code of Conduct |
| 16 | WC 2 | Complaint of Councillor Green |
| 19 | WC 3 | Complaint of Councillor Jeal |
| 22 | WC 4 | Decision Notice 13.05.24 |
| 26 | WC 5 | Decision Notice 29.05.24 |
| 30 | WC 6 | Statement of Councillor Green |
| 33 | WC 7 | Statement of Councillor Jeal |
| 39 | WC 8 | Interview Transcript – Councillor Harrison |
| 47 | WC 9 | Correspondence regarding signing of interview transcript |
| 55 | WC 10 | Lincsonline Article 30.04.24 |
| 53 | WC 11 | Cllr Harrison's post 01.05.24 and comment |

List of unused material

| |
|------------------------------------------------------|
| Investigator's notes, file correspondence and drafts |
|------------------------------------------------------|



SOUTH KESTEVEN DISTRICT COUNCIL COUNCILLOR CODE OF CONDUCT

(Adopted by South Kesteven District Council at Council on 25 November 2021)

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a Councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow Councillors, Local Authority Officers, and the reputation of local government. It sets out general principles of conduct expected of all Councillors and your specific obligations in relation to standards of conduct. The Local Government Association encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of Councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, Councillors, and local authority officers; should uphold the Seven Principles of Public Life, also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of Councillor:

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect
- I lead by example and act in a way that secures public confidence in the role of Councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence
- I ensure that public resources are used prudently in accordance with my Local Authority's requirements and in the public interest

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of Councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a Councillor.

This Code of Conduct applies to you when you are acting in your capacity as a Councillor which may include when:

- You misuse your position as a Councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a Councillor

The Code applies to all forms of communication and interaction, including:

- At face-to-face meetings
- At online or telephone meetings
- In written communication
- In verbal communication
- In non-verbal communication
- In electronic and social media communication, posts, statements, and comments

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a Councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a Councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

- 1.1 I treat other councillors and members of the public with respect.**
- 1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.**

Respect means politeness and courtesy in behaviour, speech, and in the written word.

Debate and having different views are all part of a healthy democracy. As a Councillor, you can express, challenge, criticise and disagree with views, ideas, opinions, and policies in a robust but civil manner.

You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in Councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidatory or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider, or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate, or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a) **given to me in confidence by anyone**
- b) **acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless:**
 - i. **I have received the consent of a person authorised to give it.**
 - ii. **I am required by law to do so.**
 - iii. **The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. **the disclosure is:**
 - 1. **reasonable and in the public interest; and**
 - 2. **made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. **I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a Councillor for the advancement of myself, my friends, my family members, my employer, or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents, and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in your or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities, and privileges, and you make choices all the time that will impact others.

However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local authority or authorising their use by others:

- a) act in accordance with the local authority's requirements; and**
- b) ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- Office support
- Stationery
- Equipment such as phones, and computers
- Transport
- Access and use of local authority buildings and rooms

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest.

The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in **Table 1**, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence, or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B – Registering interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable Pecuniary Interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of Disclosable Pecuniary Interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion, or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a Disclosable Pecuniary Interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet Member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to the financial interest or wellbeing of one of your Other Registerable Interests (as set out in **Table 2**), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
- a) Your own financial interest or well-being.
 - b) A financial interest or well-being of a relative or close associate; or
 - c) a financial interest or wellbeing of a body included under Other Registrable Interests as set out in **Table 2**

You must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied:

9. Where a matter (referred to in paragraph 8 above) **affects** the financial interest or well-being:
- a) To a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b) a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting. Otherwise, you must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have an Other Registerable Interest or Non-Registerable Interest on a matter to be considered or is being considered by you as a Cabinet

member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

| Subject | Description |
|----------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Employment, office, trade, profession or vocation | Any employment, office, trade, profession or vocation carried on for profit or gain. |
| Sponsorship | Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992. |
| Contracts | <p>Any contract made between the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p> |
| Land and Property | Any beneficial interest in land which is |

| | |
|----------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>within the area of the council. 'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p> |
| Licenses | <p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p> |
| Corporate tenancies | <p>Any tenancy where (to the councillor's knowledge):</p> <ul style="list-style-type: none"> (a) the landlord is the council; and (b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of |
| Securities | <p>Any beneficial interest in securities* of a body where:</p> <ul style="list-style-type: none"> (a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and (b) either: <ul style="list-style-type: none"> (i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/ her spouse or civil partner or the person with whom the councillor is living as if they were |

| | |
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|--|--|

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

* '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.

Table 2: Other Registrable Interests

You must register as an Other Registerable Interest:

- a) any unpaid directorships
- b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority
- c) any body:
 - (i) exercising functions of a public nature
 - (ii) directed to charitable purposes or
 - (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)
 of which you are a member or in a position of general control or management

From: Graham Watts <Graham.Watts@southkesteven.gov.uk>
Sent: 02 May 2024 06:20
To: [REDACTED]
Subject: FW: Code of Conduct Complaint - Cllr Harrison

Follow Up Flag: Follow up
Flag Status: Flagged

Hi [REDACTED],

Please could you acknowledge? I will forward onto Cllr Harrison.

Thanks
Graham

From: Cllr Ben Green <Ben.Green@southkesteven.gov.uk>
Sent: Wednesday, May 1, 2024 11:20 PM
To: Graham Watts <Graham.Watts@southkesteven.gov.uk>
Cc: Cllr Graham Jeal <graham.jeal@southkesteven.gov.uk>
Subject: Code of Conduct Complaint - Cllr Harrison

Dear Graham,

I write to formally submit another complaint under the Code of Conduct regarding Cllr Harrison's recent behaviour. On May 1, Cllr Harrison made a disturbing statement, saying "...make sure you avoid me in council!" which I perceive as a direct threat:



Cllr Ben Green

1 May · 🌐



Former portfolio holder for bins at SKDC, Cllr Patsy Ellis, has left the Cabinet and the Green Party. Did she jump before she was binned? 😊



LINCSONLINE.CO.UK

Green Party loses first-ever representative as councillor resigns

Lincolnshire's 'first-ever' Green councillor has left the party and resigned her position on South...



4

16 comments 1 share



Like



Comment



Share



Cllr Tim Harrison

Cllr Ben Green , make sure you avoid me in council! To attack Cllr Ellis in this way is lower than you have ever gone before and that is saying something. [REDACTED]

[REDACTED] You disgust me. Do the right thing and resign. 😡👎

7 w Like Reply

11



This incident clearly violates the Code's second article, which prohibits members from engaging in bullying or harassment. As a result, I am compelled to express my concerns about attending future meetings with Cllr Harrison in the chamber, and I believe it is necessary to consider implementing security measures to prevent menacing in-person behaviour.

Sincerely,

Cllr Ben Green

Isaac Newton Ward

[REDACTED]

From: Graham Watts <Graham.Watts@southkesteven.gov.uk>
Sent: 16 May 2024 09:41
To: [REDACTED]
Cc: [REDACTED]
Subject: [EXTERNAL] FW: Code of conduct complaint
Attachments: IMG-20240502-WA0007.jpg

This Message originated outside your organisation.

Good morning [REDACTED]

[REDACTED]

Please find below a complaint from Councillor Jeal against Councillor Tim Harrison which relates to a case I have already referred for formal investigation. This was a complaint from Councillor Ben Green. Please could I ask that Councillor Jeal's complaint be included as part of the investigation into this matter?

I have asked the Subject Councillor for any further views in response to the allegation made by Councillor Jeal and I will send this through to you in due course.

Regards
Graham

Graham Watts
Assistant Director (Governance and Public Protection) and Monitoring Officer
South Kesteven District Council,
Council Offices, The Picture House,
St Catherines Road, Grantham,
Lincolnshire, NG31 6TT
Tel: (01476) 406224
Email: graham.watts@southkesteven.gov.uk
www.southkesteven.gov.uk



From: Cllr Graham Jeal <graham.jeal@southkesteven.gov.uk>
Sent: Wednesday, May 8, 2024 1:06 PM
To: Graham Watts <Graham.Watts@southkesteven.gov.uk>
Subject: Code of conduct complaint

Graham,

I would like to make a complaint about the attached social media posting in which cllr Harrison refers to cllr Green as a "Vile conservative councillor". This in my view is a breach of the council code of conduct that states councillors should treat each other with respect.

The attached social media post was made in response to a post by cllr Green questioning why cllr Ellis was removed from the cabinet after months of failure on the waste services portfolio and after she had left the Green Party. The communication came through at 1904 in the evening and it certainly looked to everyone like she had been dismissed from her position. Cllr Greens question was in relation to a newspaper article that was forwarded. His question was entirely legitimate and the response from the councillor in association with his colleagues and supporters is in my view a breach of the code of conduct and unbecoming of the way councillors should engage with each other in public.

Thanks

Graham Jeal
Leader of the South Kesteven Coalition



The information contained in this e-mail along with any attachments may be confidential, legally privileged or otherwise protected from disclosure. It is intended for the named individual(s) or entity who is/are the only authorised recipient(s). If this message has reached you in error please notify the sender immediately and delete it without review. Email is not secure and may contain viruses. We make every effort to ensure email is sent without viruses, but cannot guarantee this and recommends recipients take appropriate precautions. We may monitor email traffic data and content in accordance with our policies and English law.



Cllr Tim Harrison

8 h ·



Cllr Patsy Ellis is a wonderful woman who has worked hard for this Council. [REDACTED]

[REDACTED]. This vile Conservative councillor thinks it appropriate to call her out on social media for taking a step back for her own mental health. This is the same person who claimed he had to go into hiding for fear of his life over a face book post, then 6 days later is prancing about like a manic lunatic at the side of the A1 illegally letting off an air horn. Just when I thought the Conservatives could go no lower this vile human proves me wrong.

SOUTH KESTEVEN DISTRICT COUNCIL
COMPLAINT AGAINST A DISTRICT COUNCILLOR
MONITORING OFFICER ASSESSMENT DECISION NOTICE

Subject Member: Councillor Tim Harrison

Complainant: Councillor Ben Green

Date of Assessment: 13 May 2024

Summary of complaints:

Councillor Tim Harrison is alleged to have published threatening and disrespectful comments in response to a post published by Councillor Ben Green on Facebook regarding the news that Councillor Patsy Ellis was no longer a member of the Council's Cabinet or Green Party Group.

A subsequent post, linked to the above, was also published by Councillor Harrison which is alleged to demonstrate disrespectful comments towards Councillor Green.

Alleged breach of the Councillor Code of Conduct:

Councillor Tim Harrison is alleged to have breached the following aspects of the Councillor Code of Conduct:

1. Respect

As a councillor:

1.1 *I treat other councillors and members of the public with respect.*

2. Bullying, harassment and discrimination

As a councillor:

2.1 *I do not bully any person.*

2.2 *I do not harass any person.*

Summary of response from the Subject Councillor:

The Subject Councillor provided the following response to this complaint:

"I have absolutely no interest in anything that Cllr Green has to say. I do not recognise the complaint or Cllr Green's position."

Information considered:

I have reviewed the content of the complaint submitted by the Complainant, including two screenshots showing comments published by the Subject Councillor.

I have reviewed the response of the Subject Councillor to the allegations made against him.

Assessment:

Councillor Harrison was elected to the Council in May 2023. He is Deputy Leader of the Council's Grantham Independent Group and Chairman of the Council's Governance and Audit Committee. Councillor Harrison has attended Councillor Code of Conduct training since the commencement of this municipal year.

The post referenced in the complaint provides a clear link to the business of South Kesteven District Council. This demonstrates that the Subject Councillor is acting in an official capacity. The Councillor Code of Conduct was therefore engaged.

The first assessment stage in the procedure for dealing with complaints against Councillors consists of a jurisdictional test. The complaint, taking the above information into account, complied with the principles of the jurisdictional test which meant it passed through to the second assessment stage.

As part of the second assessment stage the following assessment was undertaken against the following criteria included in the procedure for dealing with complaints against Councillors:

Sufficient evidence

I am satisfied that there is sufficient evidence to demonstrate whether or not a potential breach of the Code of Conduct occurred in respect of this complaint.

Alternative action

I have given due consideration to alternative, more appropriate, remedies that should be explored first, including the possibility of informal resolution between the two parties and whether any offer from the Subject Councillor to settle the complaint informally is reasonable.

The Subject Councillor has made it clear that he has no intention of reaching any agreement to settle the complaint informally.

Robust political debate

Where a complaint is made by a Councillor against another Councillor, a greater allowance for robust political debate may be given, bearing in mind the right to freedom of speech.

Consideration has been given as to whether a greater allowance for robust political debate or the right to freedom of speech should apply as part of the assessment. I believe the comments made exceed the thresholds associated with robust political

debate and freedom of speech, based upon the information presented as part of the complaint.

Seriousness

I have given due consideration as to whether the complaint is malicious, vexatious, politically motivated or 'tit-for-tat'.

I do not believe the complaint has been submitted in a malicious or vexatious manner and do not consider it to be politically motivated or tit-for-tat.

Public interest

I have given due consideration as to whether it would be in the public interest to refer the complaint for investigation or other action and whether it is serious enough to warrant any available sanctions.

Given the nature of the comments and the fact that they are still in the public domain, I believe the complaint is serious enough and it is in the public interest to refer this matter for formal investigation.

In assessing the complaint, I did not feel it necessary to request further information from the complainants, Subject Councillor or any other witnesses.

Conclusion

Councillor Green published a post on Facebook relating to Councillor Patsy Ellis no longer being a member of the Council's Cabinet. Councillor Green's original post included the following wording:

"Former portfolio holder for the bins at SKDC, Cllr Patsy Ellis, has left the Cabinet and the Green Party. Did she jump before she was binned?"

The first comment from Councillor Harrison in response to this post reads as follows:

"Cllr Ben Green, make sure you avoid me in council! To attack Cllr Ellis in this way is lower than you have ever gone before and that is saying something."

"You disgust me. Do the right thing and resign".

Linked to this, Councillor Harrison subsequently published the following post on his Facebook profile:

"Cllr Patsy Ellis is a wonderful woman who has worked hard for this Council."

"This vile Conservative councillor thinks it appropriate to call her out on social media for taking a step back for her own mental health. This is the same person who claimed he had to go into hiding for fear of his life over a face book post, then 6 days later is prancing about like a maniac lunatic at the side of the A1 illegally letting off an air horn. Just when I thought the Conservatives could go no lower this vile human proves me wrong."

I believe that there is sufficient evidence and substance, taking into account the tone and language used from the perspective of a reasonable member of the public, to refer this complaint for formal investigation and establish whether a breach of the Councillor Code of Conduct has occurred.

Independent Person considerations:

The first Independent Person believes that however strong feelings are in relation to a matter, there needs to be a degree of restraint to avoid crossing any boundaries as to what is acceptable robust political debate. The reaction and words used may well have crossed that boundary and therefore the complaint needs to move to a formal investigation.

The second Independent Person agrees that the matter should be referred for formal investigation given the nature of the posts on social media by the Subject Councillor, given that there is clearly no scope for informal resolution.

Monitoring Officer Decision:

That this Code of Conduct complaint against Councillor Tim Harrison be referred for formal investigation.

Graham Watts
Monitoring Officer
South Kesteven District Council

SOUTH KESTEVEN DISTRICT COUNCIL
COMPLAINT AGAINST A DISTRICT COUNCILLOR
MONITORING OFFICER ASSESSMENT DECISION NOTICE

Subject Member: Councillor Tim Harrison

Complainant: Councillor Ben Green and Councillor Graham Jeal

Date of Assessment: 29 May 2024

Summary of complaints:

Councillor Tim Harrison is alleged to have published threatening and disrespectful comments in response to a post published by Councillor Ben Green on Facebook regarding the news that Councillor Patsy Ellis was no longer a member of the Council's Cabinet or Green Party Group.

A subsequent post, linked to the above, was also published by Councillor Harrison which is alleged to demonstrate disrespectful comments towards Councillor Green.

Alleged breach of the Councillor Code of Conduct:

Councillor Tim Harrison is alleged to have breached the following aspects of the Councillor Code of Conduct:

1. Respect

As a councillor:

1.1 *I treat other councillors and members of the public with respect.*

2. Bullying, harassment and discrimination

As a councillor:

2.1 *I do not bully any person.*

2.2 *I do not harass any person.*

Summary of response from the Subject Councillor:

Responding to Councillor Ben Green's complaint, which was submitted first, the Subject Councillor provided the following response to this complaint:

"I have absolutely no interest in anything that Cllr Green has to say. I do not recognise the complaint or Cllr Green's position."

No response was received in relation to the second complaint from Councillor Jeal.

Information considered:

I have reviewed the content of the complaint submitted by the two Complainants, including two screenshots showing comments published by the Subject Councillor.

I have reviewed the response of the Subject Councillor to the allegations made against him.

Assessment:

Councillor Harrison was elected to the Council in May 2023. He is Deputy Leader of the Council's Grantham Independent Group and Chairman of the Council's Governance and Audit Committee. Councillor Harrison has attended Councillor Code of Conduct training since the commencement of this municipal year.

The post referenced in the complaint provides a clear link to the business of South Kesteven District Council. This demonstrates that the Subject Councillor is acting in an official capacity. The Councillor Code of Conduct was therefore engaged.

The first assessment stage in the procedure for dealing with complaints against Councillors consists of a jurisdictional test. The complaint, taking the above information into account, complied with the principles of the jurisdictional test which meant it passed through to the second assessment stage.

As part of the second assessment stage the following assessment was undertaken against the following criteria included in the procedure for dealing with complaints against Councillors:

Sufficient evidence

I am satisfied that there is sufficient evidence to demonstrate whether or not a potential breach of the Code of Conduct occurred in respect of this complaint.

Alternative action

I have given due consideration to alternative, more appropriate, remedies that should be explored first, including the possibility of informal resolution between the two parties and whether any offer from the Subject Councillor to settle the complaint informally is reasonable.

The Subject Councillor has made it clear that he has no intention of reaching any agreement to settle the complaint informally.

Robust political debate

Where a complaint is made by a Councillor against another Councillor, a greater allowance for robust political debate may be given, bearing in mind the right to freedom of speech.

Consideration has been given as to whether a greater allowance for robust political debate or the right to freedom of speech should apply as part of the assessment. I believe the comments made exceed the thresholds associated with robust political debate and freedom of speech, based upon the information presented as part of the complaint.

Seriousness

I have given due consideration as to whether the complaint is malicious, vexatious, politically motivated or 'tit-for-tat'.

I do not believe the complaint has been submitted in a malicious or vexatious manner and do not consider it to be politically motivated or tit-for-tat.

Public interest

I have given due consideration as to whether it would be in the public interest to refer the complaint for investigation or other action and whether it is serious enough to warrant any available sanctions.

Given the nature of the comments and the fact that they are still in the public domain, I believe the complaint is serious enough and it is in the public interest to refer this matter for formal investigation.

In assessing the complaint, I did not feel it necessary to request further information from the complainants, Subject Councillor or any other witnesses.

Conclusion

Councillor Green published a post on Facebook relating to Councillor Patsy Ellis no longer being a member of the Council's Cabinet. Councillor Green's original post included the following wording:

"Former portfolio holder for the bins at SKDC, Cllr Patsy Ellis, has left the Cabinet and the Green Party. Did she jump before she was binned?"

The first comment from Councillor Harrison in response to this post reads as follows:

"Cllr Ben Green, make sure you avoid me in council! To attack Cllr Ellis in this way is lower than you have ever gone before and that is saying something."

"You disgust me. Do the right thing and resign".

Linked to this, Councillor Harrison subsequently published the following post on his Facebook profile:

"Cllr Patsy Ellis is a wonderful woman who has worked hard for this Council."

"This vile Conservative councillor thinks it appropriate to call her out on social media for taking a step back for her own mental health. This is the same person who claimed he had to go into hiding for fear of his life over a face book post, then 6 days later is prancing about like a maniac lunatic at the side of the A1 illegally letting off an

air horn. Just when I thought the Conservatives could go no lower this vile human proves me wrong."

I believe that there is sufficient evidence and substance, taking into account the tone and language used from the perspective of a reasonable member of the public, to refer this complaint for formal investigation and establish whether a breach of the Councillor Code of Conduct has occurred.

Independent Person considerations:

The first Independent Person believes that however strong feelings are in relation to a matter, there needs to be a degree of restraint to avoid crossing any boundaries as to what is acceptable robust political debate. The reaction and words used may well have crossed that boundary and therefore the complaint needs to move to a formal investigation.

The second Independent Person agrees that the matter should be referred for formal investigation given the nature of the posts on social media by the Subject Councillor, given that there is clearly no scope for informal resolution.

Monitoring Officer Decision:

That this Code of Conduct complaint against Councillor Tim Harrison be referred for formal investigation.

Graham Watts
Monitoring Officer
South Kesteven District Council

STATEMENT FRONT COVER

| | |
|---------------|-----------------------------------------------|
| Name: | Ben Green |
| Position Held | Councillor South Kesteven District Council |

wilkin chapman llp
solicitors

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26 Chantry Lane,
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a limited liability partnership registered in England number OC343261
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STATEMENT of: Councillor Ben Green

1. I am a Conservative Councillor on South Kesteven District Council (the Council). I was first elected on 24 February 2022. I was re-elected on 4 May 2023. I represent the Isaac Newton Ward, a large rural ward south of Grantham. I sit on the Finance Committee.
2. I understand that Wilkin Chapman LLP solicitors have been asked to investigate complaints made against Councillor Harrison in respect of his conduct on social media. I am aware that other Councillors have also made Code of Conduct complaints against Councillor Harrison in relation to his conduct on social media.
3. The Conservative Group on the Council are the largest group but not large enough for a majority. We have formed a coalition with three South Kesteven Independent councillors. There are multiple other parties and independents.
4. I consider social media to be a vital mode of communication. From time to time, I will put out an occasional press release. Sometimes there is quite a time lag before a press release, and I have no editorial control. I think press releases are entered into a queue and it takes time to get your turn, so to speak. It can be a very long, convoluted and sometimes difficult process. So, for me, Facebook, the only social media platform I use, is a great way for me to communicate with my residents.
5. Since late May, I have been Deputy Leader of the Conservative Group. There is an aspect to which we think about being in opposition and getting our distinctive message out. Being in opposition is inherently tough, you're not the administration so don't have responsibility and your quotes aren't going in official Council press releases. To try and compensate for that disadvantage I have used Facebook to communicate quickly and directly to residents to get our message across.
6. First and foremost, it is about putting across a counter narrative. There is an expectation from the public that we hold the administration to account. It is important for democracy for rival opinions to be put across. It is something I feel my residents would expect me to do, I don't believe they would feel I was doing a good job if I did not hold the administration to account.

7. On 1 May 2024 I posted on social media:

“Former portfolio holder for the bins at SKDC, Cllr Patsy Ellis, has left the Cabinet and the Green Party. Did she jump before she was binned?”

8. Councillor Harrison commented on my post:

“Cllr Ben Green , make sure you avoid me in council!...”

9. I believe Councillor Jeal has made a complaint relating to a post made by Councillor Harrison relating to my post of 1 May:

“Cllr Patsy Ellis is a wonderful woman who has worked hard for this Council.

This vile Conservative councillor thinks it appropriate to call her out on social media for taking a step back for her own mental health. This is the same person who claimed he had to go into hiding for fear of his life over a face book post, then 6 days later is prancing about like a manic lunatic at the side of the A1 illegally letting off an air horn. Just when I thought the Conservatives could go no lower this vile human proves me wrong.”

10. I interpreted Councillor Harrison’s comment *“make sure you avoid me in council!”* as a direct physical threat and believe it would be very hard to interpret such a comment in any other way. He wasn’t saying ‘avoid me in debates or I’ll shoot you down’ it was there in black and white and was a clear threat.

11. As a result of Councillor Harrison’s comment, I requested security to be present in the Council Chamber. I’ve always tried to steer well clear of Councillor Harrison. He has a certain charisma, very manipulative traits and tries to win people over and get them on his side.

12. In respect of Councillor Harrison’s comment describing me as *“This vile Conservative councillor”*, I consider this a personal attack and not something within the realms of political commentary.

I, Councillor Ben Green, declare that this statement is true and accurate to the best of my knowledge and belief.

Signed by:


640F49B32AD54A3...

12 July 2024

SignedDate

STATEMENT FRONT COVER

| | |
|---------------|-----------------------------------------------|
| Name: | Graham Jeal |
| Position Held | Councillor South Kesteven District Council |

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STATEMENT of: Councillor Graham Jeal

1. I am a Conservative Councillor for South Kesteven District Council (the Council). I am Leader of the Conservative Group. I am not formally a member of any of the Council's Committees but, as Leader of the Conservative Group, I attend most Scrutiny Committee meetings. I represent Grantham St Vincents ward.
2. I understand that Wilkin Chapman LLP solicitors have been asked to investigate my complaints against Councillor Harrison in respect of his conduct on social media.
3. Councillor Harrison first came on my radar just prior to the 2023 election when he did a series of social media posts/comments making fun of [REDACTED]
[REDACTED]
4. Councillor Harrison and the [REDACTED], so Councillor Harrison made a particularly venomous attack on him. Councillor Harrison shared and promoted videos online of [REDACTED] suggesting he was asleep in public meetings at [REDACTED]
[REDACTED] – this caused enormous distress to [REDACTED]
[REDACTED]. The level of viciousness was reserved for somebody who was clearly unwell. This was something I have never seen before in public office.
5. Shortly after the election I did actually reach out to Councillor Harrison on a Governance and Audit issue in an attempt to help him. I have come to the view, clouded by his hounding of [REDACTED]
[REDACTED], that he is not fit for public service and unfit to hold a leadership position in the Council such as Chair of Governance and Audit. I believe such behaviour towards [REDACTED] by Councillor Harrison contributed to the decline in [REDACTED] health.
6. The relationship between the groups at the Council has been toxic and unprofessional for a long time, but it has gotten significantly worse since the last election. Swearing in the Chamber has become normalised over the last couple of years. Coming from a professional background I have always found that slightly difficult. Overnight, when Ashley Baxter was

elected leader, you could see all of the sensible people in the Council sort of pushed to one side and louder more antagonistic councillors now in control.

7. The outcome of this behaviour deters people from the Council and is detrimental to getting officers to join the Council. There are good people on the Council and good officers but most of them now, frankly, are saying 'I've got better things to do with my time'. I find myself thinking, what on earth have I signed myself up for?
8. The small number of complaints being investigated are dwarfed; this is the absolute tip of the iceberg – there are dozens that have not made it to investigation. The Code of Conduct process is openly mocked now, and the fact that the behaviour is pushing good councillors away is a real threat to our local democracy and public service in general.
9. This complaint stems from a comment made by Councillor Harrison on Councillor Green's Facebook post of 1 May 2024.
10. On 1 May, Councillor Green posted a link to a LincsOnline article regarding Councillor Ellis. Councillor Green stated:

"Former portfolio holder for bins at SKDC, Cllr Patsy Ellis, has left the Cabinet and the Green Party. Did she jump or was she binned?"

11. Councillor Harrison shared Councillor Green's post onto his own page stating:

"Cllr Patsy Ellis is a wonderful woman who has worked hard for this Council.

[REDACTED]
This vile Conservative councillor thinks it appropriate to call her out on social media for taking a step back for her own mental health. This is the same person who claimed he had to go into hiding for fear of his life over a face book post, then 6 days later is prancing about like a manic lunatic at the side of the A1 illegally letting off an air horn. Just when I thought the Conservatives could go no lower this vile human proves me wrong."

12. Information about Councillor Ellis' unexpected resignation was circulated out of hours on a Friday night by the Leader of the Council, Councillor Baxter. Emails about out of hours resignations from the Leader on a Friday night suggested to everyone that something unusual has happened. It was widely rumoured that Councillor Ellis was failing at her job, a job she

shared with Councillor Baker. It was also widely rumoured that they had a challenging working arrangement which was further substantiated when Councillor Ellis resigned from the Green Party shortly afterwards. It followed a chaotic two weeks where the wheels had absolutely come off her service area. Opposition has to be allowed to oppose the administration. I think the point raised by Councillor Green was an entirely legitimate point to make from an opposition concerned about a failing service area and poor council leadership in the area.

13. The types of responses that were received are part and parcel of what we are expecting now.
14. The issue regarding the bins arose when purple bins were issued. The Green Party pushed out the new bins with little public consultation and after the rejected call from the Conservative Party to send the issue to Full Council for debate – because this was an issue that affected all wards. The Council denied it followed a ‘zero-tolerance policy’ from week two – but they instructed waste operatives not to collect any bins with incorrect items in them in what looked like to everyone on the ground – a zero-tolerance policy. It was chaos. 6,000 bins were not collected in the first week. Members of my group received hundreds of complaints.
15. In fairness to Councillor Baker, he stood up in Council and said, it isn’t right, we need to do more, and a range of measures were introduced to work with residents. I believe it was an ideologically driven policy and that I understand was driven by Councillor Ellis and Councillor Baxter.
16. The only District Council in the country that has had a problem with this policy is South Kesteven District Council. There was a failure in that role in cabinet. Even Michael Gove was commenting on it and said the Council should offer an apology for being too ideologically driven.
17. The purple bins are for dry paper only. So, if you put a pizza carton in, it is rejected. It is a really difficult policy to communicate and that then impacted on the silver bins, which is recycling etcetera. We were historically told not to use the black bins but now we’re being told to just throw everything in the black bin which is a landfill bin.
18. I have some sympathy with them. It is a tough policy. I would have done it differently, every other Council in Lincolnshire did it differently, but they chose to push as hard as possible and not consult with full Council or work with colleagues to bring in this policy.

19. I think Councillor Harrison's comment crosses the line. This week a member of staff was attacked. It is the second time that has happened in the last month. There is a direct line between dialogue like that and members of staff being physically attacked.
20. Councillor Harrison holds a leadership position as Chair of Governance and Audit. Historically that was one of the most respected positions. Before the last election, that position was held by the most experienced councillor. I don't believe he is fit to hold this leadership role and his online social media activities bring the Council, it's members and officers into disrepute.
21. I said to previous Leader of the Council, Councillor Cleaver, that giving that role to Councillor Harrison was a really bad idea. I said that that role is one of the very few which talk straight to officers and oversees officers directly. I suggested they wanted to have somebody more experienced. Several members of the administration, including Cabinet members, have confided in me that I was proved right, but Councillor Harrison retains that leadership position even though it has been proved beyond all doubt that he is ethically unincumbered.
22. Leadership is one of the Nolan Principles. I believe, in Councillor Harrison, we have somebody who is basically mocking the whole process.
23. I was leant on quite heavily not to start this process and there is a clear disrespect for the process. I was told 'what's the point in spending the money with a third party?' and 'you're wasting your time'. That is victim shaming.
24. I have been under pressure to withdraw these complaints from the Leader and senior officers and former chair of standards. People, quite frankly, I would have expected better from. As leader of a political group, I have a welfare obligation and cannot stand aside and see the Council, it's members and officers brought into disrepute.
25. It has been widely said 'we've got control of the Standards Committee, we're definitely going to throw it out, you'll be the laughing stock for spending the money'. The Code of Conduct is openly mocked.
26. If a chair were to be thrown in a Council meeting, something which has happened before, and it strikes an elderly member on the back of the head injuring them seriously, what will the Council have done to prevent that?

27. Given what has happened in the last 10 years, it is unacceptable. It is not a party-political point because attacks happen against all parties. I do think Councillor Harrison knows what he is doing – from his treatment of [REDACTED], I think it is about intimidation.
28. I do concede that not enough councillors have had social media training and do not understand the dangers. Most think, ‘I was only liking it, it’s not the end of the world’. You take on an added responsibility for liking it. Under English law, ignorance is not a defence.

I, Councillor Graham Jeal, declare that this statement is true and accurate to the best of my knowledge and belief.

Signed by:
[REDACTED]

30 August 2024

SignedDA2EF81D26ED4F8...Date

South Kesteven District Council

Date of Interview: 16.07.2024

Interview Transcript – Councillor Harrison

TH - Councillor Tim Harrison

EC - Estelle Culligan

GT - Gill Thompson

EC: So, that is the recording which has started, and I can see that, yes, it's coming up with my speech. So, thank you very much Councillor Harrison for joining us this afternoon, if we could just introduce ourselves, I am Estelle Culligan and I am a Partner in the Regulatory team.

GT: I'm Gill Thompson and I'm a Regulatory Executive in the Regulatory team.

TH: And I'm Tim Harrison District Councillor for South Kesteven St Wulfram's Ward.

EC: Thanks very much everybody. So, Councillor Harrison if we just start off with some general questions about your background with the Council I believe you were first elected in May 2023 is that right?

TH: Yep.

EC: You hadn't been a Councillor there before?

TH: No.

EC: Okay, thank you. And you represent the is it the St Wulfram's Ward?

TH: It is yeah.

EC: Yeah. And can you explain to us if you can remember them all which committees you sit on and if you are chair of any committees.

TH: I sit on 11 different committees I'd be struggling to remember them all....

EC: Oh gosh.

TH: Erm, Chairman of Governance and Audit.

EC: Right, okay, okay. Erm, and just thinking about the training that you've undertaken since you became a Councillor there is some listed on your website but it doesn't mention on, on the Council's website but it doesn't mention code of conduct training, have you

TH: Yeah, I did code of conduct training as well, yeah.

EC: Right, okay, thank you. Do you remember when that was?

TH: Erm no I wouldn't I don't I'd have to go to Dem Services to find that out.

EC: But it was part of the package of training that you had..

TH: Yeah.

EC: As a new Councillor? Do you remember whether that covered dealing dealings on social media?

TH: It did yes.

EC: Right, okay, thanks very much. Erm, that's great. So just moving on to the specific issues of the complaints and we'll take them in turn, erm, and if you're confused at any point then we can sort of slow down and I can point you to what we are talking about because there is a lot and there's a lot of different posts and a, err, you know, a lot of different comments and that sort of thing, so

TEXT REMOVED WHICH IS IRRELEVANT TO THIS COMPLAINT

TH ...I was getting pestered constantly with these emails pinging through....

EC: Yeah.

TH:about this sort of stuff and I said to Graham then, deal with it as you see fit Graham. I've, I've, I've got not further response, I don't really want to engage with it, I think it's all nonsense my own personal point, I said you tell me before I personally think it's vexatious where 28, comp.... it's 26 different complaints came through to me, at, all, I'm told in the end. 26 different complaints in the short period of time, tell me when that's ever happened before, and not been seen as vexatious? Now....

EC: Yep.

TH:the problem with the Tories as, is because I'm a, I'm my own man, I speak my own mind, and I call things as they are, they don't like it

EC: Yes.

TH:and they don't like being erm outshone on social media....

EC: Yeah.

TH:but as I said to Graham Watts, what, what perplexes me is this has come to you. I said to Graham Watts I'm perfectly happy for you Graham to say yeah we find against him on all these and I won't even fight it with you, you can go against me, you can put me black marks against me err, as a Councillor, because ultimately there is nothing really more that can be done,

EC: Yes.

TH:um, so do that, I won't fight against it, we'll save the Council some money as in, because you, you guys are going to be costing us money, quite clearly....

EC: Yes.

TH:I said we'll save a lot of money and everybody will be happy. The Tories will have their bit, they'll have their black mark against me, erm, jobs done, and everybody's happy, but no, it's got passed on to you and I don't see why that is really. I can't, when I've said to Graham I'll happily not contest your decision. So the whole thing....

EC: The problem, yeah, the difficulty, the difficulty for Graham is that under your, under the arrangements and under the localism act it's, it's difficult to make a finding on some of these things without going through a more thorough investigation, it's, he can't on everything make, make a decision, that's the difficulty, so that's why he's constrained to put some of these things through, if he thinks they're serious enough to a further investigation, so that, erm, I mean you may say oh I wouldn't contest it but others, err, you know if he starts doing that for one person then he can't necessarily do that for everybody for other complaints that come through against other people, so there is a process unfortunately, and that's the process that he's, he's got to go through, so that's why we are where we are today.

TH: Right.

EC: Erm....

TH: Which is pretty much what Graham said, he said he's got a process to go through but I, I still don't quite understand it, but fair enough, if that's what we've got to do, that's what we've got to do.

EC: Yeah, and we are dealing with it as swiftly as we can aren't we Gill? Erm, so, erm, thank you very much for that. So if we move on Councillor Harrison to the second complaints,

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EC: ...can you tell us about your relationship, if any, with Councillor Green.

TH: Erm, Councillor Green erm, likes his own voice.

EC: Yep.

TH: Erm, he's very erm, I actually called him the poet laureate in, in full Council because he waxes lyrical with his one liner, 'the jenga tower of myth' was one of them that he created in his thing, erm, I don't really have any erm contact with him but he, after about 5 or 6 of these I wrote an email to him which I think Graham has also got, I don't know whether he has forwarded that on to you going, something along the lines of "Ben, you're, you're not a bad bloke, you're a good Councillor, stop with this nonsense with all the, the theatrics, it's, it's not needed" erm, you know, "concentrate on doing your Council work, good luck, Tim" or words to that effect.

EC: Yeah.

TH: So it's a very friendly cordial email, and he carries on and he deliberately baits erm us continualist, continuously calling us the rainbow alliance and stuff like that which you

type rainbow alliance in in any search engine and it comes up with the erm LGBTQ community anywhere, anywhere where you type that up that's the first thing it comes up with, so we don't kick off that he's doing that, we don't kick off and make formal complaints every single time he mentions that erm, and it's again it's this feigned indignance you know....

EC: Yeah.

TH: ...that's, that they're doing and you've got to bear in mind Ben any comments I made on Ben's page he was in charge of his page, he could of at any time blocked me from seeing his posts, he could of at any time block me from commenting on his posts, erm, the control was totally with him, I've got none of that. He deliberately left it open and deliberately put it and forward it so that it would come to our attention trying to enact a, we've since got wise to his, his erm shenanigans and we just don't engage with him anymore, it's not worth our time or effort.

EC: Yeah.

TH: But it was, it's a deliberate thing that they did at this point in time to try to get a reaction off us, erm, and it got the reaction and didn't like it that the public opinion went against him on most of them.

EC: Yeah. Okay, that's helpful,

TEXT REMOVED WHICH IS IRRELEVANT TO THIS COMPLAINT

EC: ... Err, so moving on, you'll be pleased to know Councillor Harrison, to the last, the last lot of complaints, it's just a, a couple actually about this post exchange about Councillor Patsy Ellis.

TH: Yep.

EC: Yeah. So, it's the 1st of May, err, the 1st of May 2024, erm, this is Councillor Green's complaint so he posted a picture of Councillor Ellis with the words "Former portfolio holder for Bins at SKDC Councillor Patsy Ellis has left the cabinet and the Green Party did she jump before she was binned?" Then you commented, "Councillor Ben Green make sure you avoid me in Council". He has said that the first comment was a direct physical threat err, and said he erm, he said he requested additional security at Council meetings as a result, and what did you mean by that comment basically?

TH: Erm, I told him to stay away from me as I've told Graham Watts and as various other one, Councillors in our group have said to Graham Watts, tell him to stay away from me. We don't want them coming up talking to us, we don't want them standing in our personal space, there's no threat there.

EC: He says he felt threatened.

TH: Right, okay.

EC: Would you feel....have you had, have you had words with him in.....

TH: I have not even.....

EC:Council meetings before?

TH: raised my voice with him.

EC: Okay.

TH: At no, no point have I raised my voice with him, at no point, in fact, I have, I don't think I've spoke to him outside of full Council. And then it's not too him, it's through the Chair.....

EC: Yep

TH: ...man of the Council. So, he would have no reason to be feared of me, it was a statement to stay out the way, but he's also missed a bit out of that hasn't he? Erm, so what was the original post again sorry. About...

EC: So the original....

TH:about Patsy Ellis.

EC:about Patsy Ellis,

TH:so...

EC: Yeah, and then you....

TH:have, have, have you got these two out of order? Is the next one gonna go on about erm me saying how out of order he was and how disgusting he was?

EC: Yeah, so basically then you posted as a follow up about Councillor, so they sort of, they, they link together. You posted as a follow up "Councillor Patsy Ellis is a wonderful woman who has worked hard for this Council. [REDACTED]
[REDACTED] This vile Conservative Councillor that thinks it's appropriate to call her out on social medial for taking a step back to, for her own mental health", erm, "this is the same person who claimed he had to go into hiding for fear of his life over a Facebook post. Then 6 days later is prancing about like a manic lunatic at the side of the A1, illegally letting off an airhorn. Just when I thought the Conservatives could go no lower this vile human" being, "human, proves me wrong". And then Councillor Jeal complained about that....

TH: Yeah.

EC:and the use of your phrase vile human being.

TH: No I'm sorry. Any, anybody that picks, knowing what they knew about Councillor Ellis and using that as a political piece of erm, whatever you wanna call it, poli, political piece of propaganda, erm is vile. Erm...

EC: Would he have, would he have.....

TH: So...

EC: ...would he have known the reason for Pat, for Councillor Ellis stepping back? Do you know?

TH: Why would he not ask? I would ask, again. And it was fairly well known, and....

EC: Yeah.

TH: ...

EC: Right.

TH: Not only that [REDACTED]
[REDACTED]. But to....

EC: Yep.

TH: ...you know, again, if I had done what he'd done, to her, he would have made some sort of complaint about it. I didn't.....

EC: Yeah.

TH:make a complaint. I highlighted him, what he was doing, and how disgusting it was that he's picking, not only on a woman, but a woman that's in a, a severe amount of distress at that time [REDACTED]

A horizontal bar chart titled "U.S. should take action to address climate change" showing the percentage of respondents who believe the U.S. should take action to address climate change, broken down by age group. The x-axis represents the percentage from 0 to 100. The y-axis lists the age groups: 18-29, 30-49, 50-69, 70+, and All. The bars show that the majority of respondents across all age groups believe the U.S. should take action, with the highest percentage in the 30-49 age group.

| Age Group | Percentage |
|-----------|------------|
| 18-29 | 85% |
| 30-49 | 92% |
| 50-69 | 88% |
| 70+ | 80% |
| All | 87% |

EC: Okay, and...

TH: And that is my personal opinion. I, and, and, and again, if that's going against the code of conduct then so be it, and I would do the same again. I wouldn't, I wouldn't make apologies for that. You pick on any woman, I don't care who it is, and I will defend them if, if, if the case is that way, erm, more so, if you pick on a woman with valid reasons like Patsy had who's also in my group. I get very poppa bear protective over, over err the group of Councillor's in my group...

EC: Yeah.

TH:and erm, I feel that if I don't step up and pro, erm, it'd be the same I'd do with my daughters, you know, nobody's gonna have a go at women for a bit of political what he's tried to say was banter.

EC: Although she is a Councillor in her own right surely?

TH: Yes she is.

EC: She should be able to stand up for herself.

TH:

EC: Okay.

TH: ...again you're doing, so you're saying I should assume that, why should he assume she can stand up for herself? She might be of the demeanour that she can't.

EC: True.

TH: You know. We, we, we, he can't have it every which way that he wants it Councillor Green, you know, he's erm, I've got to assume that he's offended by something like this and hurt and doesn't want to speak to me, but erm, we can't have it the other way round, you know, it's, it doesn't quite work like. And again, I reiterate that any point in time of this, and to this date, he still hasn't blocked me. He could.....

EC: Yeah.

TH: ...have blocked me on Facebook. Now, if I was that indignant, and I was that annoyed or fed up or erm, inundated with, with something he was doing, I would have just blocked him....

EC: Yeah.

TH: ...or, or you know I've got a particular person in my Ward who I blocked. Erm, he far more than this issue, he went and

EC: Yeah.

TH: ...but the, the hurty Facebook post to a Conservative....

EC: Yeah.

TH:warrants, warrants a personal visit to my house, to my work, and the phone call, when it wasn't even me that made the post. Do you see what I. The whole thing, sort of really stinks when you start looking at the whole thing, and at any time Ben Green could have called a stop to the whole thing by just going block Tim Harrison.

EC: Yeah, okay. Alright then Councillor Harrison. Well look, thank you very much. That was all I wanted to ask you, erm....

TH: Yeah.

EC: ... is there anything else that you want to say? Before we ...

TH: No, I'm sorry that you've had to spend time on this, it's a vast waste of resource and monies. I'm sure you've got far more important things to do. Erm, you won't get it again from me with, as regards Ben Green and Graham Jeal, we've realised they're not worth our efforts, they're not worth, and erm, we just, we'll leave them in their own echo chamber because they're not getting any erm, stuff, erm, the mistake I made was biting.

EC: Yeah.

TH: That was the mistake I made. Everything, I stand by everything I did, but I just shouldn't have bitten because I gave him a bigger voice than he would have had if I hadn't of.....

EC: Yeah.

TH:shared his posts etc.

EC: I understand. Well listen, thank you very much. Just bear with me one second, I'm going to stop the recording if I can.

TH: Yep.

EC: Just bear with me. Stop recording.

END OF RECORDING

I certify that this is an accurate note of my interview with Estelle Culligan and Gill Thompson on Tuesday 16 July 2024.

Signed.....

Dated.....

From: Cllr Tim Harrison <Tim.Harrison@southkesteven.gov.uk>
Sent: 06 August 2024 14:13
To: [REDACTED]
Subject: [EXTERNAL] Re: (97613/248, 97613/246, 97613/243 and 97613/241) - Interview Transcript

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Good afternoon

I have only had time for a cursory glance over all this, I am too busy. It all seems in order I am confident that you will have transcribed accurately. If there is any issue in the future we can always return to the video.

Kind regards

Tim Harrison Councillor for Grantham St. Wulfram's Ward

From: [REDACTED]
Sent: Tuesday, August 6, 2024 9:58:17 AM
To: Cllr Tim Harrison <Tim.Harrison@southkesteven.gov.uk>
Subject: FW: (97613/248, 97613/246, 97613/243 and 97613/241) - Interview Transcript

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Good morning Councillor Harrison

I refer to my email below and the attached letter and transcript.

I would be grateful if you could confirm your approval of the transcript as soon as possible.

Many thanks

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

From: [REDACTED]
Sent: Monday, July 22, 2024 2:21 PM
To: Tim.Harrison@SouthKesteven.gov.uk
Subject: (97613/248, 97613/246, 97613/243 and 97613/241) - Interview Transcript

Dear Councillor Harrison

Please find attached, for your consideration, a letter together with interview transcript.

The transcript itself is password protected for security. We have obtained a mobile number from the Council's website ending 569. I will therefore send the password to you via SMS shortly.

Should you have any queries please don't hesitate to contact me.

Kind regards

[REDACTED]

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Subject: [EXTERNAL] Re: Reminder: Complete with Docusign: Interview Transcript - Councillor Tim Harrison.pdf

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Hi [REDACTED]

I cannot sign this, I haven't had a copy of the video to compare it, plus I really do not have the time to spend going through it. As you are aware I do not get paid for this time and consider it a waste of my valuable time, where I can actually be achieving something for the constituents.

Kind regards

Tim Harrison Councillor for Grantham St. Wulfram's Ward

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[REDACTED]

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I look forward to receiving the signed document.

Kind regards



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[REDACTED]

From: Cllr Tim Harrison <Tim.Harrison@southkesteven.gov.uk>
Sent: 21 August 2024 12:09
To: Estelle Culligan
Cc: [REDACTED]
Subject: [EXTERNAL] Re: (97613/246) - CLLRS GREEN, JEAL AND WOOLLEY V CLLR HARRISON - agreeing and signing interview transcript

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That's brilliant that's all i ask, thanks. It is just very busy for me at the moment.

Kind regards

Tim Harrison Councillor for Grantham St. Wulfram's Ward

From: Estelle Culligan <Estelle.Culligan@wilkinchapman.co.uk>
Sent: Tuesday, August 20, 2024 12:08:03 PM
To: Cllr Tim Harrison <Tim.Harrison@southkesteven.gov.uk>
Cc: [REDACTED]
Subject: (97613/246) - [REDACTED] - agreeing and signing interview transcript

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[REDACTED] is on leave today but she has forwarded me your recent emails with her about her request for you to sign the copy of your interview transcript. You said, firstly, that you have only had time for a cursory glance through; secondly, that you cannot sign it as you haven't seen the original video of the interview. [REDACTED] is enquiring to see how we can get you access to the video recording. However, in the meantime, we will continue to prepare our draft report. We will refer to any relevant comments in the interview but make clear that you did not sign the interview transcript and give your reasons for not signing. This is our usual procedure.

[REDACTED] will contact you asap about accessing the video.

Kind regards

Estelle

Estelle Culligan???

Partner , Wilkin Chapman LLP

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Lincolnshire’s first Green councillor Patsy Ellis steps down from South Kesteven District Council

By [Daniel Jaines](#) - daniel.jaines@liffepublishing.co.uk
Published: 17:21, 30 April 2024

1

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Lincolnshire’s ‘first-ever’ Green councillor has left the party and resigned her position on South Kesteven District Council’s cabinet.

The South Lincolnshire Green Party confirmed today (Tuesday) that Councillor Patsy Ellis had resigned from the party.

A party statement said: “We are disappointed, but we wish Coun Ellis well.”



Councillor Patsy Ellis.

Coun Ellis had previously been joint cabinet member for Environment and Waste; however, it is reported she has also stood down from that role.



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The party confirmed that Coun Rhys Baker will remain in his role as cabinet member for environment and waste.

“Our Green councillors on South Kesteven District Council, Vanessa Smith, Rhys Baker, and Emma Baker, have built a strong reputation on the council and will continue to work hard for their community,” said the party statement.

The South Lincolnshire Green Party **celebrated Councillor Ellis’ election in May 2023** when she became Lincolnshire’s first-ever Green councillor - taking one of the three seats in the Grantham St Vincents ward.

Councillor Dr Smith was next to win on the night in the former leader Councillor Kelham Cooke’s Casewick seat, and she was quickly followed by the Councillors Mr and Mrs Baker in Bourne Austerby.

Coun Ellis has been contacted for further comment. Her party listing on the council’s website now reads: “Independent (unaligned and not a political group on the council).”

- Bourne
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Join the debate...

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Cllr Tim Harrison

1 May · 🌐



Cllr Patsy Ellis is a wonderful woman who has worked hard for this Council. [REDACTED]
 [REDACTED] This vile Conservative councillor thinks it appropriate to call her out on social media for taking a step back for her own mental health. This is the same person who claimed he had to go into hiding for fear of his life over a face book post, then 6 days later is prancing about like a manic lunatic at the side of the A1 illegally letting off an air horn. Just when I thought the Conservatives could go no lower this vile human proves me wrong.

22:48



Cllr Ben Green

2 h · 🌐



lincsonline.co.uk

Green Party loses first-ever representative as councillor resigns

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Cllr Tim Harrison

[Cllr Ben Green](#), make sure you avoid me in council! To attack Cllr Ellis in this way is lower than you have ever gone before and that is saying something. [REDACTED]

You disgust me. Do the right thing and resign. 🤔 🤔