

FINAL REPORT – CONFIDENTIAL

SBE CASE NOS: 13997.06
13998.06

MEMBERS: Parish Councillors T F Pinner and D J Middleton

AUTHORITY: The Stukeleys Parish Council

ALLEGATIONS: It is alleged that the above-named Members acted contrary to Paragraphs 2. (a), 4, and/or 5 (a) of the Parish Council's Code of Conduct

DATE REFERRED TO DISTRICT COUNCIL'S MONITORING OFFICER: In accordance with Section 60 (2) of the Local Government Act 2000, the case was referred to the Monitoring Officer, Huntingdonshire District Council for investigation on 27th February 2006.

APPOINTMENT OF INVESTIGATING OFFICER: On 1st March 2006 the Monitoring Officer appointed Ms C Deller, Democratic Services Manager at Huntingdonshire District Council to investigate the allegations.

DATE OF FINAL REPORT: 23rd June 2006

SUMMARY: The complainant, Mr Brian Warne of Bell Cottage, 26 Ermine Street, Little Stukeley had alleged in a complaint sent to the Standards Board for England dated 2nd January 2006 that Councillors T F Pinner and D J Middleton had verbally abused Mr Warne and his partner Miss A B and threatened to use their positions to obtain permission to build houses on land adjacent to Mr Warne's property, Bell Cottage.

As a result of these actions, it has been alleged that Councillors Pinner and Middleton failed to comply with Sections 2 (a), 4 and/or 5 (a) of The Stukeleys Parish Council's Code of Conduct adopted by the Council at its meeting held on 1st July 2002 which require

"2. (a) – A Member must promote equality by not discriminating unlawfully against any person."

4. – A Member must not in his official capacity, or any other circumstances, conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.

5. (a) – A Member must not in his official capacity, or any other circumstance, use his position as a Member improperly to confer on or to secure for himself or any other person, an advantage or disadvantage.”

RESPONSES TO ALLEGATIONS:

In a letter from the Standards Board for England dated 27th February 2006 the allegations were referred for investigation to the Monitoring Officer, Huntingdonshire District Council in accordance with Section 60(2) of the Local Government Act 2000.

In accordance with the procedure for the local investigation of allegations, Councillors Pinner and Middleton each submitted written statements in which they denied having breached the Code of Conduct. However, by their accounts of the alleged incidents both admitted to their participation in exchanges following which Mr Warne submitted his complaint to the Standards Board for England. Enclosed with the statements submitted by Councillor Pinner were letters from Mrs S J VanBergen former Huntingdonshire District Councillor for the Alconbury and The Stukeleys Ward and Ms Suzanne Maskell of 11 Bramble End, Alconbury.

INVESTIGATION:

Procedure

Four interviews were conducted by the Investigating Officer: one with Mr M J Newman, Clerk to The Stukeleys Parish Council on 26th April 2006, others separately with Councillors D J Middleton and T F Pinner against whom the allegations had been made on 3rd May 2006 and with Mr B Warne, the complainant and his partner Ms A B on 15th May 2006.

Despite having been requested during the course of the interviews by Mr Newman, Clerk and Councillors Pinner and Middleton to interview Mr M Monk, Vice-Chairman

of the Parish Council to verify advice which might have been given to Councillor Pinner regarding planning issues and various persons associated with Mr Warne's employer to obtain character references, the Investigating Officer considered that those suggested courses of action would not have contributed materially to the resolution of the case.

A written note of the material points of the interviews conducted was sent to each party, together with a request that one copy be returned signed as a correct record with such corrections or amendments as the interviewees felt necessary. Copies of the interview notes are appended together with other documents that are relevant to the investigation (Members copies only) –

- ◆ a map of Little Stukeley identifying the location of the paddock/field to the rear of Bell Cottage and the lay-by/bus stop where the alleged incidents had taken place;
- ◆ a statement produced by Ms A B during the course of the interview undertaken by the Investigating Officer with Mr Warne and Ms B on 15th May 2005; and
- ◆ a copy of Councillor Pinner's Registration of Financial and Other interests in which Councillor Pinner identifies in Section 4 - land that he (or jointly) rents or owns, rents, leases or has the right to occupy in the Parish area. The entry refers to a field known as "Jack Harris" which Councillor Pinner has indicated is the paddock/field to the rear of Bell Cottage.

Also appended to Members' copies only is a copy of a letter received from the complainant sent in response to the content of the draft report.

RELEVANT INFORMATION:

Mr Newman, Clerk to the Parish Council has confirmed that Councillors Pinner and Middleton had signed their Declaration of Acceptance of Office and agreed to observe the Parish Council's Code of Conduct. Both Councillors believed themselves to have a good understanding of the requirements of the Code either through length of service as a Parish Councillor (Councillor Pinner) or Government service (Councillor Middleton). It appears that only Councillor Middleton had attended training on the Code, hosted by the Cambridgeshire Association of Local Councils, although this has not been verified by the Clerk. Both Councillors had registered their financial and other interests with the Monitoring Officer.

From the written statements submitted and the interviews conducted there was no doubt that Councillors Pinner and Middleton, Mr Warne and Ms B were parties to an exchange which began in the paddock/field to the rear of Bell Cottage and moved onto the lay-by/bus stop adjacent to the same cottage on 21st November 2005. The sequence of events recalled by those involved as re-counted in detail in the interview notes are very similar and are unlikely to be disputed.

There is, however, contradictory evidence as to whether abusive language was used, whether physical contact between Councillor Pinner and Mr Warne occurred and whether a statement was made regarding the building of houses or an intention to seek planning consent for the paddock/field to the rear of Bell Cottage.

Historically, it appears that issues associated with the ownership of the land to the rear of Bell Cottage had been the cause of ill feeling between Councillor Pinner and

Mr Warne before the incidents on 21st November 2005 occurred. There was clearly a dispute over ownership of the paddock/field and whilst the Investigating Officer has had sight of material which suggests that the land is owned by Councillor Pinner, uncertainty still remains in the mind of Mr Warne ("It is a grey area"). The resolution of this matter is for the two parties concerned and remains outside of this investigation but the issue un-questionably contributed to the confrontation which resulted on 21st November 2005. It perhaps also should be borne in mind that both incidents took place in little more than an hour.

Councillor Pinner also has suggested that Mr Warne had interfered with the electric boundary fencing around the paddock/field and the water trough and had previously allowed a dog to trouble ponies kept in the field (by Councillor Pinner). Although these facts cannot be verified, the fact that Councillor Pinner feels that they are material to the case indicates the existence of other underlying factors which could have led to the exchanges on 21st November. Letters written by Suzanne Maskell and Elisabeth M Hunt suggest that the disagreements between Councillor Pinner and Mr Warne were longstanding and also that tension had been building for some time.

Using and comparing the evidence gathered during the interviews, it is possible to examine the various allegations made in the complaint.

INCIDENT NO. 1 – FIELD/PADDOCK

Verbal Abuse/Foul Language/Threat of Housebuilding

Although Ms B described Councillor Pinner's behaviour as "aggressive, intimidating, not relaxed and tense" she stated categorically in the interview that he did not use foul language nor did he physically touch her. Neither Councillor Pinner nor Ms B could recall Councillor Middleton having spoken during the incident. Councillor Middleton also confirmed that no foul language had been used by Councillor Pinner nor did he believe that he nor Councillor Pinner had been aggressive. Councillor Pinner also suggested that he would not use foul language in a lady's presence, had not sworn at Ms B and that Councillor Middleton had not spoken during the incident. From the statements of those parties involved in the first confrontation it appears clear that –

- ◆ Councillor Middleton, other than accompanying Councillor Pinner on his inspection of the boundary fence was not involved in any exchange with Ms B; and
- ◆ that it is unlikely that foul language was used by any of the parties concerned.

Similarly there is no disagreement that Ms B's dog had broken into the field/paddock and was barking at Councillors Pinner and Middleton. There are contrary reports as to the degree of nuisance or threat caused but it seems that voices were raised on both sides in attempts to calm the animal and the situation. It is clear that Ms B became distressed by the confrontation and because feelings were "running high" the issue of land ownership, which was already a sensitive matter between Councillor Pinner and Mr Warne, arose again and an exchange of words on that issue ensued. Ms B contends that Councillor Pinner stated "it wouldn't be long before he put houses on the area". Councillors Pinner and Middleton deny this statement having been made. There is no doubt that Ms B was upset by the incident (she admitted to hating confrontation) and that a heated exchange did take place between Councillor Pinner

and Ms B. Whether this exchange involved verbal abuse of Ms B is questionable, but there were no independent witnesses to the incident to substantiate the facts.

INCIDENT NO. 2 – LAY-BY/BUS STOP

Verbal Abuse, Foul Language, Threat of Housebuilding

Councillor Pinner has stated that neither he nor Councillor Middleton used foul language to Mr Warne during the confrontation in the lay-by. Councillor Middleton stated that he would not have sworn and could not recall whether Councillor Pinner had. Mr Warne admitted swearing and alleged that both Councillors used the “F” word. Once again there was no doubt that an argument occurred in the lay-by/bus stop between Councillor Pinner and Mr Warne. Councillor Middleton was drawn to the incident having heard raised voices. Both Councillors alleged that Mr Warne physically held Mr Pinner although Mr Warne denies this. There is no suggestion that Councillor Pinner touched Mr Warne. Unquestionably, Mr Warne’s return home and approach to Councillor Pinner had been motivated by the distress of his partner Ms B. However the argument had quickly moved on to the question of ownership of the field/paddock and a heated exchange as to ownership of the land followed.

Regarding the threat allegedly made by Councillor Pinner to build houses on the field/paddock – all parties made reference to something having been said at the conclusion of the incident. Councillor Middleton suggests that Councillor Pinner had said that “he had a right to apply for planning permission and that Mr Warne could object through the usual procedures”. Councillor Middleton was clear that Councillor Pinner did not suggest that he, as Chairman of the Parish Council could influence approval of a planning application. Councillor Middleton was of the view that nothing Councillor Pinner had said could have been misinterpreted.

Councillor Pinner denied threatening to build houses on the paddock/field. Whilst he was of the view that nothing he said could have been misinterpreted, Councillor Pinner did admit that he might have exclaimed “God, I’d wish I’d got planning permission for it” despite knowingly having received advice from more than one source suggesting that this would not be permitted.

Mr Warne alleged that Councillor Pinner threatened to build a bungalow on the land and that Councillor Middleton had suggested that as Chairman of the Parish Council (Councillor Pinner) could do what he wanted despite it having been pointed out that planning consent would have to be obtained.

There were no independent witnesses to the incident to substantiate the facts.

OTHER ISSUES

Councillors Pinner and Middleton considered that the behaviour of Mr Warne at a meeting of The Stukeleys Parish Council on 5th December 2005 was material to the case and both described the proceedings in their statement. They both take the view that Mr Warne's behaviour at this meeting was an indication of his temperament and character. Letters received from former District Councillor Mrs S J VanBergen (appended to Councillor Pinner's statement) and from Stephanie Webb, Youth Work Manager, Huntingdon (viewed by the Investigating Officer) were highlighted.

During his interview, Mr Warne expressed his wish to have admitted as evidence a tape recording of the beginning of the Parish Council meeting on 5th December at which he asked during a public question period about the building of houses to the rear of Bell Cottage. He also made reference to his argument with Councillor Pinner. Mr Warne was disappointed that the Parish Council did not pursue his complaint about the conduct of Councillor Pinner.

As the conduct of Councillor Pinner and Mr Warne at the meeting of The Stukeleys Parish Council on 5th December 2005 did not form part of the allegations made to the Standards Board for England, the Investigating Officer advised that that it would not be taken into account as material to the complaint.

Mr Warne had suggested that there was a family relationship between Councillors Pinner and Middleton. This has been denied by both Councillors and Mr Warne accepts that he had received the information indirectly and could not verify it.

FINDINGS OF FACT

It has been demonstrated in the submission of the written statements to the Monitoring Officer, in the original complaint to the Standards Board for England and during the interviews held by the Investigating Officer that two arguments took place during the course of one hour on the afternoon of 21st November 2005 in which Councillors Pinner and Middleton, Mr Warne and Ms B were involved.

Whatever instigated the first confrontation, whether it be the alleged dog attack, short-circuiting of the electric current to the boundary fence or cuttings in the paddock/field, it is clear that the underlying contributory factor was the dispute between Mr Warne and Councillor Pinner regarding ownership of the paddock/field known as "Jack Harris" to the rear of Bell Cottage, Little Stukeley. Councillor Pinner has documentary evidence going back a number of years which suggests that the land is in his ownership. Mr Warne admits that ownership of the land is "a grey area". Councillor Middleton has no knowledge whatsoever of these issues. This dispute appears to have been ongoing for a number of years although it appears that neither party had contact over the period.

The very nature of an argument between two parties involved a contentious exchange of views, the raising of voices, the heightening of emotion and tension and lack of control in making, perhaps, statements which ordinarily would not be made.

There is no doubt that Ms B was genuinely upset and distressed by the first incident. However, there is general agreement that no foul language was used in the exchanges. Ms B was upset and sensitive to involvement in the argument (which is understandable). She did not assert that she was insulted verbally, neither was insulting language used against her. Undoubtedly Mr Warne's reaction to Councillor Pinner was motivated by Ms B's distress but the ongoing dispute between the two

parties about land ownership quickly arose as the primary issue in the second incident.

There are no witnesses to either incident: without independent evidence it would be unreasonable to reach any conclusion as to whether offensive language was exchanged between Councillor Pinner and Mr Warne. Similarly, without verification and given the conflict in the statements made, no conclusions can be reached about the allegation of physical assault.

In respect of the third issue regarding the alleged “threat” to build houses or a bungalow in the paddock/field to the rear of Bell Cottage and from the interviews conducted it would appear that some reference to that effect may have been made by Councillor Pinner. There are three varying accounts of the actual words used in the statement made by Councillor Pinner, but again in the absence of any independent witnesses, the suggestion of a “threat” being made to Mr Warne and Ms B cannot be verified.

Evidence suggests that Councillor Middleton played little part in the first incident: the timing of his arrival at the field/paddock at the point Councillor Pinner was about to investigate the problem of the electric fencing was purely coincidental. Councillor Middleton also had limited involvement in the second incident with Mr Warne. Councillors Pinner and Middleton are of similar ages and have been friends from boyhood so it would not be unusual for them to chat, accompany each other on a walk or support each other if it was thought they were in difficulty. Mr Middleton stated that he had no knowledge of any land ownership issues in relation to the “Jack Harris” paddock.

Without independent verification of the events of 21st November, I am unable to substantiate the allegations made by Mr B Warne. I have concluded, therefore, that neither Councillor Pinner nor Councillor Middleton breached The Stukeleys Parish Council’s Code of Conduct.

Christine Deller
Investigating Officer
23rd June 2006