

**NOT FOR PUBLICATION OR DISCLOSURE WITHOUT THE CONSENT OF
THE GOVERNANCE LAWYER OR MONITORING OFFICER**

DECISION NOTICE:

No Further Action

Complaint Reference – FS-Case-562390041

1. The Governance Lawyer has considered a complaint submitted by Becky Land concerning the alleged conduct of Councillor Gardener of Woodland Parish Council.
2. The system of regulation of councillor conduct in England is governed by the Localism Act 2011. Local authorities are under a duty to promote and maintain high standards of conduct by their elected members and co-opted members. Every local authority must have a code of conduct for its members, which must be consistent with the 'Seven Principles of Public Life': selflessness, honesty, integrity, objectivity, accountability, openness, and leadership. The code of conduct must also make provision for the registration and disclosure of pecuniary and other interests.
3. Local authorities, other than a parish council, must also have in place arrangements under which allegations that a member has failed to comply with the authority's code of conduct can be investigated and decisions on allegations can be made. As part of those arrangements, they must appoint at least one Independent Person whose views must be sought and taken into account before making a decision on an allegation that it has decided to investigate.
4. Woodland Parish Council has adopted a Code of Conduct for its Members, which is available for inspection on its website.
5. Durham County Council has adopted and published a procedure for how allegations that one or more of its members, or members of a parish council in respect of which the County Council is the Principal Authority, has failed to comply with the relevant authority's code of conduct for members can be investigated and decisions on allegations can be made.
6. This complaint was assessed in accordance with Durham County Council's Procedure for Member Code of Conduct Complaints ("the Procedure").
7. The Procedure requires the Monitoring Officer to ensure that all Member Code of Conduct complaints are assessed as soon as reasonably possible,

and normally within 20 working days. The Monitoring Officer, in consultation with the Independent Person where appropriate, will ensure that the complaint is considered and decide if any action should be taken on it.

8. The Monitoring Officer has delegated responsibility for the initial assessment of Member Code of Conduct Complaints to the Governance Lawyer.
9. Following initial assessment of the complaint, there are four possible outcomes:
 - (a) That no action should be taken in respect of the complaint;
 - (b) To seek local resolution;
 - (c) To refer the complaint for investigation;
 - (d) To refer the complaint to the Standards Committee.
10. This decision notice is produced to record the decision taken following initial assessment and includes the main points considered, the conclusion and the reasons for that conclusion. It will be available for inspection at the offices of Durham County Council for 6 years beginning with the date of the decision.

Complaint

11. The Complainant alleges that during a public meeting in which a co-option vote took place for Woodland Parish Council, the Subject Member stated that *“she didn’t feel Mrs Land (“the Complainant”) was a suitable candidate because she has a police caution for harassment, and she had previously been a Parish Councillor and resigned because she didn’t like the things that had been said.”* She is also alleged to have then said that the Complainant was *“a vindictive and vicious person and she would resign again if she didn’t agree with decisions that had been made”*.
12. The Complainant states that the Subject Member’s choice of candidate was then voted on to the Parish Council. The Complainant considers that the information that the Subject Member shared will be in the public minutes and will cause her position as Chairman of the Woodland Community group to come under pressure along with her position at a primary school.
13. The Complainant refutes all of what the Subject Member stated and explains that the reason she had resigned from the Parish Council was after she had been placed under immense pressure from the Village Hall Committee and the Chairman at the time. The Complainant considers that until the evening of the Parish Council meeting, this information was not in the public domain.
14. As part of the complaint the Complainant has also provided a screenshot of a post from the Subject Member which states the following:

"It has been brought to my attention by some residents of Woodland that Becky Land has posted information about Woodland Parish Council on the Woodland Community group fb page. This is apparently "on behalf of Simon Land" who is now the acting Clerk to Woodland parish Council. Becky Land is no longer a Parish Councillor and I, as a recently appointed Councillor, consider Woodland Community group fb page to be a totally unsuitable place to post Parish Council business. At no time have I given my agreement to post Parish Council business being posted on this closed and secretive fb site, which cannot be viewed by many local residents including myself. Far from representing the "Community" this group is controlled by Becky and Simon Land who decide who is "allowed" to see their posts and who is blocked and banned by them. Please note that any references to Woodland Parish Councillors does not include myself, as I have not, and will not, ever give my permission for my name to be associated with Woodland Community Group in any way or at any time."

15. The Complainant notes that on 12 November 2023 she reported the Subject Member to the police for harassment '*due to a string of emails, unpleasant episodes in the street and the utter humiliation and character assassination suffered.*' She also alleges that the Subject Member has sent messages about her being unwell and that the Subject Member was '*pulling a charity event we put on to bits, had the community group I chair under investigation for fraud and has acted as an individual using her power as a Parish Councillor to try to gain information she wants.*'
16. As part of the assessment of the complaint, a request was made from Officers of the Council to the Complainant for an update from the police regarding the allegation of harassment. The Complainant has provided the following response from the police:

"Good afternoon Becky,

Thank you for speaking to me today. I hope what we discussed made sense and I can assure you that I have kept a thorough record of the information you have provided.

You have said that since May 17th, 2023 when Simon asked Janet Gardner to stop contacting him on his personal email address about Parish Council business, that she has complied with this request and contacts him on the Parish Council email, of which he is the Clerk and therefore has to respond to contact.

You have said that further to the Parish Council meeting where you were interviewed to become a member of the Parish Council once again, and where you felt humiliated by Janet Gardner informing everybody about the incident of Harassment you were involved in; you have put a complaint to Durham County Council Standards in order for them to investigate her conduct in a Parish Council meeting.

At this time I cannot see a course of conduct towards you of Harassment; you have wisely blocked her on Social Media. Everyone is allowed to express their opinion on their own Facebook page as long as it is not malicious, offensive or threatening and intended to cause alarm and distress. Now you will not have access to her Social Media you should not be troubled by her in this way further. I do understand that tensions in your own neighbourhood are hard to deal with especially as you say you are trying to do your best.

Should there be any further behaviour towards you that is causing you upset and distress, please call in a further incident to the Control Room and we can once again review the evidence. By all means update me on the outcome of the DCC investigation and I can add this to our records.”

17. On 2 January 2024, the Complainant sent further information stating that she had been involved in an incident with the Subject Member, outside her own home the previous day. The Complainant alleges that the Subject Member had engaged in unbecoming behaviour, stopping her car, getting out and swearing at her in the street amongst other things. The Complainant stated that she had filmed the incident and was seeking legal advice as she was feeling high levels of anxiety. The Complainant also stated that she would refer the incident back to the police if advised to.
18. After a request to the Complainant, the video of the incident has since been provided.

Potential breaches of Woodland Parish Council's Code of Conduct:

The allegations in respect of the complaint relate to a potential breach of the following paragraphs of Durham County Council's Code of Conduct as adopted by Pelton Parish Council:

(j) Always treat people with respect, including the organisations and public they engage with and work alongside;

(l) Not disclose information given to them in confidence by anyone or information acquired, which they believe, or ought reasonably to be aware, is of a confidential nature, without express authority and/or unless the law requires it.

(m) Not to bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of the code of conduct.

Response of the Subject Member

19. The Subject Member states that it was during the Parish Council meeting on the 9 November 2023 where the suitability of the two candidates who

wished to join the Parish Council was discussed. The Subject Member notes that the Complainant was not present during this meeting.

20. The Subject Member also states it was her belief that the part of the meeting where the co-option took place was in private and that other than the members of the Parish Council, the only people present were a local district Councillor and the other candidate who wished to be co-opted.
21. As the Subject Member believed that this part of the meeting was closed to the public, she considered that the information in which was discussed was confidential. As such, the Subject Member presumes that the now former Chairman (the Complainant's father), and/ or the now former Clerk (the Complainant's husband), who were present (but did not take part in the discussion), must have informed the Complainant of the confidential discussion concerning her suitability as a future Parish Councillor.
22. The Subject Member admits that she did express her view that the Complainant had proved herself to be an unsuitable candidate for re-election to the Parish Council. She states that she outlined her reasons for this, including that the Complainant had *“conducted a sustained, vicious and vindictive campaign of harassment against all the members of Woodland village hall committee but in particular the then Chairman.”*
23. The Subject Member denies that she said that the Complainant was a vicious and vindictive person and at all times remained calm and polite. She states that she did not raise her voice or use bad language and that she only referred to the Complainant's campaign of harassment, which she states only stopped when the Police and Charity Commission became involved and after the Police issued the Complainant with a caution for harassment.
24. During the police investigation, the Subject Member states that the Complainant continued to make claims and counter claims against the Chairman and members of the Village Hall committee, all of which were investigated by the police and found to be false. The Subject Member further states *“that this has been in the public domain for many months now, partly because the police had to interview several local members of the public to establish the facts, and partly because Mrs Land's posted many, many false allegations and statements over social media, usually on the Woodland “Community Group” Facebook page.”*
25. At the Parish Council meeting the Subject Member states that she did say she did not wish to see a repeat of this behaviour towards Woodland Parish Councillors and considers that with regard to free speech she was obliged to state why she did not consider the Complainant should be re-elected to the Parish Council.
26. The Subject Member states that she has no connection in relation to the other candidate other than she lives in the area and that she has said hello to her in the street. The Subject Member notes that she is one of five

Councillors who were able to vote on the matter and that each of the other Councillors are capable of disagreeing with her, she further notes that the vote was four votes to nil with one abstention. She considers that the Complainant's complaint about her is based entirely in anger at not being re-elected and has no basis in fact.

27. Addressing the other matters raised in the complaint, the Subject Member states that the Complainant's resignation from the Parish Council had nothing to do with the Village Hall committee and that she resigned because she had a disagreement with a former Chairman. She considers that this was in part because the Complainant had made a false and vexatious complaint about the Chairman to Durham County Council.
28. The Subject Member states that she had not had any contact from the Police regarding the Complainant's complaint to them that she has harassed her and states that she has not made contact with her in any way for many years. She states that she has no way of messaging her as she has blocked her and others from contacting her or replying to her false allegations on social media approximately 14 months ago. She states that she has not spoken to her in the street or anywhere else so is at a loss as to which incident she refers to in her complaint. She does state that she did once ask her husband if his wife was well as he had told the Subject Member's daughter, she was very unwell, but she does not see how that constitutes harassment.
29. In relation to the allegation of pulling apart a charity even the Complainant put on, the Subject Member states that the 'Farmer Christmas' fundraiser is not a registered charity or a registered community organisation. She also states that cannot understand how she could have "pulled it to bits" as she has said many times that it is a great sight and a lovely Christmas event. The Subject Member notes that her family have also taken part in the event and contributed financially to it through the purchase of raffle tickets. She adds that the Parish Council has supported and made financial donations to the event.
30. The Subject Member states that did politely ask the Complainant's husband for a copy of the Woodland Community Group accounts as local people and some members of the group had asked her if she could acquire a copy as they had been refused one. She states that she did this as a member of the public and not as a Parish Councillor. It is the Subject Member's understanding that following a number of the complaints the matter has been investigated by the Police's Economic Crime Unit.
31. Regarding the Facebook post, the Subject Member states that she stands by her post that it was not a suitable way to inform the public of Parish Council business.
32. With regards to the incident on 2 January 2024, the Subject Member confirms that it is her being filmed by the Complainant without her permission or initially without her knowledge. The Subject Member

considers that video has been edited and does not show where the Complainant flags the Subject Member's car down or where she drives dangerously close to her and where she attempts to overtake her in an unsafe place so that she can intimidate her granddaughter and scare her horse as she has done so before. The Subject Member states that it also does not show the Complainant "*gesticulating wildly, making rude gestures and mouthing obscenities while she trying to get past [her] car.*" The Subject Member considers that the incident was a set up to try and gather some evidence of her "harassment" of her as she had not had any contact with her for several years prior to this event.

Decision

33. The Governance Lawyer has decided that no further action is required in respect of this complaint.

Reasons for decision

34. The Governance Lawyer understands that there appears to be a discrepancy regarding what was said at the Parish Council meeting where the co-option took place.
35. Whilst the Complainant 'refutes all of what was said', the Governance Lawyer has had sight of confirmation from the police that the Complainant admitted harassment of the then Chairman of the Parish Council. The Governance Lawyer is therefore of the opinion that when the Subject Member did disclose the allegation that she was doing so in good faith and that it was in the public interest for her to do so.
36. The Governance Lawyer also considers that as a matter of good governance the Subject Member is entitled to ask for a copy of the accounts of an event that the Parish Council is financially contributing towards.
37. With respect of the Facebook post, the Governance Lawyer considers that the Subject Member is entitled to state that in her opinion she did not consent to Parish Council information being posted on the Woodland Community Group page.
38. The Governance Lawyer accepts the police statement in that at this stage there has been no course of harassment from the Subject Member to the Complainant.
39. The video footage in which the Complainant has provided shows the Subject Member reversing and the Complainant then approaching her. There is no evidence that the Subject Member was acting in her capacity as a councillor when she first exits her car, and in fact it was only mentioned that she was a Parish Councillor by the Complainant. Whilst the Governance Lawyer accepts that the Subject Member was frustrated with the Complainant during the interaction, the Governance Lawyer

understands that this is because she has been approached by the Complainant when there are clear ongoing issues between them.

40. The Governance Lawyer is satisfied that the Code has not been engaged by the Subject Member.

Right of Appeal

41. Code of Conduct complaints are governed by the provisions set out in the Localism Act 2011. The Localism Act 2011 does not allow a right of appeal and this decision is final.

Terms of reference

The Localism Act 2011

Signed

Mark Turnbull
Governance Lawyer

Date: 05 July 2024