



**INVESTIGATION ON BEHALF OF THE
MONITORING OFFICER**

in respect of the conduct of

**Cllr RICHARD WEAVER
BEMBRIDGE PARISH COUNCIL**

UNREDACTED REPORT

19 December 2019

Isle of Wight Council

Report of an investigation by Ben Gard acting as Investigating Officer, into an allegation concerning the conduct of Councillor Richard Weaver of Bembridge Parish Council.

Summary

1. An allegation is made by Mrs Madeleine Reeder that Cllr Richard Weaver breached Bembridge Parish Council's Code of Conduct ("the Code of Conduct") by, whilst in attendance at a public meeting of Bembridge Council on the 18th September 2018, calling another councillor, Cllr Alasdair Steane, a "cunt".
2. I have investigated whether Cllr Weaver breached the Code of Conduct.
3. As a result of my investigation, I conclude that Cllr Weaver was acting in his capacity as a member of Bembridge Parish Council and failed to comply with paragraph 3(a), and 5 of the Code of Conduct.
4. My finding under the Isle of Wight Council's arrangements under section 28 of the Localism Act 2011 for investigating allegations of a breach of the Code of Conduct ("the Arrangements") is that there has been a failure to comply with the Code of Conduct.

Relevant legislation and provisions

5. Based on the information provided, the allegation of using offensive language, directed at Cllr Steane in a public meeting is a potential breach of the Code of Conduct. In accordance with the Arrangements, Helen Miles, the Isle of Wight Council's Monitoring Officer (a role she held until 30 September 2019) requested that this investigation be undertaken.
6. The Monitoring Officer considered the allegations made by Mrs Reeder about the conduct of Cllr Weaver and noted that: -

"The complaint is that at a meeting of Full Council, in public, on Tuesday 18 September 2018, Cllr Weaver called Cllr Steane a 'cunt'. Cllr Steane drew this to the Chairman's attention but no action was taken. Cllr Stillman shouted 'you are one'.

The complaint was sent to Cllr Weaver, and a reminder sent but he has not responded at all to the complaint.

The Code of Conduct for members contains a general obligation that members must treat others with respect, and that you must not conduct yourself in a manner which could reasonably be regarded as bringing your office into disrepute.”

7. Based on her findings, the Monitoring Officer referred the complaint to one of the Council’s Designated Independent Persons who determined that, if the allegation was true, it was *“utterly disgraceful and brings the office into disrepute; That type of language cannot be tolerated, and Cllr Weaver needs to be reprimanded.”*
8. The Designated Independent agreed that the complaint should be referred for investigation.
9. Bembridge Parish Council adopted the Code of Conduct under section 27 of the Localism Act 2011. The relevant paragraphs of the Code of Conduct I have considered are: -

3. General obligations

a. You must treat others with respect

b. You must not:

.....

ii. bully any person

.....

5. Conduct

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Bembridge Parish Council into disrepute.

Member details

10. Cllr Richard Weaver was elected to the North Ward of Bembridge Parish Council on Thursday 4 May 2017.
11. On the 8th May 2017 Cllr Weaver signed a declaration of acceptance of office, signed before the Proper Officer of the Council of the Parish of Bembridge which stated as follows: -
“I Richard Thomas Weaver having been elected to the office of Member of Bembridge Parish Council declare that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the code as to the conduct which is expected of members of Bembridge Parish Council.”
12. As far as I can ascertain from records published by Bembridge Parish Council, Cllr Weaver has attended the following training: -
 - a. 11th July 2017 - Planning training

- b. 25th July 2017 – Councillor training
 - c. 2nd to 7th August 2017 – Budget review
 - d. 10th August 2017 – Councillor training
 - e. 23rd August 2017 – Councillor training
 - f. 12th December 2017 – Chairmanship training
13. The Clerk to Bembridge Parish Council has confirmed that these training programmes includes subjects such as: -
- a. Help to resolve conflicts and how not to generate them;
 - b. Avoiding personal feuds; and,
 - c. Co-operating with other members to achieve the objective/s of the meeting.

The evidence obtained

14. Bembridge Parish Council kindly provided a copy of the Code of Conduct to me for the purposes of my investigation. Notwithstanding the fact that the Code of Conduct is dated after the alleged incident, the Clerk to Bembridge Parish Council has confirmed to me that it is in the same form as was in force at the date of the incident which is subject to this investigation, and which has been in the same form since 2016.
15. The following people were interviewed during my investigation: -
- i. Mrs Madeleine Reeder (the Complainant);
 - ii. Cllr Richard Weaver (the subject of this investigation);
 - iii. Cllr Alasdair Steane;
 - iv. Cllr Mike Curtis; and,
 - v. Sir Paul Kenny
 - vi. Cllr Grant Stillman
 - vii. Cllr Margaret Donlon
16. During my investigation I obtained the following documents: -
- i. A complaint against a member form completed and submitted to the Monitoring Officer by Mrs Reeder;
 - ii. A video recording of the meeting in question provided to the Monitoring Officer in support of Mrs Reeder's complaint;
 - iii. A second video recording of the same meeting, also provided to the Monitoring Officer in support of Mrs Reeder's complaint.
17. During my investigation I also found it a useful exercise to refer to a seating plan which I produce in support of my investigation.

18. It is apparent to me that the recordings of the meeting are not a full recording of the relevant meeting, although I find the recording to be a trustworthy source of record for the salient parts of the meeting before me for investigation.
19. I sent a draft of this report to Cllr Weaver who requested that further persons be interviewed. It so happened that those persons (Cllr Stillman and Cllr Margaret Donlon) contacted me after Cllr Weaver's request without me having to offer an additional opportunity to engage in the process.

Background

20. Multiple persons I interviewed indicated concern as to the atmosphere at Bembridge Parish Council, which included allegations of the bullying atmosphere of the council.
21. It was specifically alleged that Cllr Steane has been the subject of abuse and bullying at the council, and although the general behaviour of councillors is outside the remit of this investigation, those points have been made to me as evidence of a culture of behaviour at the Parish Council, and indicative that the alleged behaviour is not an isolated incident.
22. The incident subject to this investigation occurred at the time of an emotive statement of resignation from the former Clerk to Bembridge Parish Council.

Events leading to this investigation

23. The account of the complainant is that the atmosphere at Bembridge Parish Council has been strained for some time.
24. I do not consider that all the history is relevant to the remit of my investigation, however some key points are helpful to set the scene of the emotive meeting where the alleged incident is stated to have occurred: -
 - a. During the local elections in 2017 several key topics were the subject of much discussion by local parishioners;
 - b. The result of the election left the council with a split of political allegiances; and,
 - c. The now former Clerk to Bembridge Parish Council is seen to give a very emotional resignation speech at the meeting that is subject to this investigation.
25. I am greatly assisted in undertaking my investigation by the recordings of the council meeting which was kindly submitted in support of the allegation. The record makes certain findings of fact quite easy. However, one key thing is that I cannot determine as a matter of fact from the recording is whether or not Cllr Weaver did call Cllr Steane a "cunt" as has been alleged in the complaint.

26. Having set the scene for the incident the meeting at which the incident is alleged to have occurred proceeded as follows.
27. Relevant members of the council are sat in the location I have identified in the seating plan I refer to above.
28. The former Clerk to the Council, Emma Goldring, gives an emotional speech resigning her position.
29. Ms Goldring is then seen to leave the meeting, and as she does so some members of the Council are seen to stand and applaud Ms Goldring.
30. It is alleged at this point that a member of public (from the public gallery) may have either said or mouthed some abuse towards the members. The question of whether this did, or did not happen, falls outside of the remit of my investigation.
31. As members of the Council settled Cllr Weaver is alleged to have called Cllr Steane a "cunt"
32. Cllr Steane reacts to having been spoken to in that manner and tries to bring it to the Chairman's attention.
33. The Chairman seeks to continue with the meeting.
34. There is a heightened state at the meeting and Cllr Steane attempts to once again bring the matter to the Chairman's attention for his intervention.
35. Cllr Steane states that he has just been called a "'C' word".
36. Cllr Stillman directs a question toward Cllr Steane's side of the meeting and asks "why do you think you are so funny"
37. Cllr Steane responds "because he has just called me the 'C' word"
38. Cllr Stillman interjects "well you are"...."if anyone should resign it's you"
39. During the exchange Cllr Margaret Donlon stands and appears to attempt to calm Cllr Stillman
40. The Chairman calls for decorum.
41. The involvement of Cllr Stillman in the incident is not a matter which has been referred to me for investigation.
42. During my investigation it became evidence that Cllr Richard Weaver had not seen the recording and I agreed to provide a copy to him to consider. At the date of this report Cllr Weaver had chosen not to access that document.
43. An additional recording of the Parish Council meeting exists and is held by Cllr Margaret Donlon. I made attempts to view and listen to that recording but have been unable to do so at the point of publication of this report. I consider that this report can continue without me having viewed and listened to Cllr Donlon's recording because by her own admission the recording faces away from her seat so does not record Cllr

Weaver and in any event, Cllr Donlon notes that the recording is poor in respect of sound quality.

Findings of fact

44. The facts set out above are undisputed, apart from the following.
45. It is suggested by Cllr Weaver that he in fact called Cllr Steane a “cult”.
46. No person has queried the accuracy of the recordings provided in support of the complaint.
47. The recordings appear to show Cllr Weaver saying something in the direction of Cllr Steane.
48. Cllr Weaver has not denied saying something to Cllr Steane.
49. Cllr Weaver did not seek to intervene once the allegation was put to him that he had called Cllr Steane “the ‘C’ word”. In response to a query by me as to why he did not respond to the allegation Cllr Weaver submitted that he was above the political gamesmanship that has led to this investigation.
50. No councillor present at the meeting sought to clarify that this incident was a misunderstanding, or to set the record straight, either during the incident or after the incident was settled.

Reasoning as to whether there is a breach of the Code

51. I am invited to find, on the balance of probability, whether there has been a breach of the Code of Conduct.
52. Section 28(1) of the Localism Act 2011 provides that a relevant authority must secure that its code of conduct is, when viewed as a whole, consistent with the following principles—
 - a. selflessness;
 - b. integrity;
 - c. objectivity;
 - d. accountability;
 - e. openness;
 - f. honesty;
 - g. leadership.
53. In my submission it is indisputable that if, in the course of their duties, any councillor calls any other person a “cunt”, that is a breach of a code of conduct adopted in accordance with the principles I have identified above. In the course of my investigation I have received no submissions to the contrary.

54. I consider that the question before me is, *is it slightly more likely than not that Cllr Richard Weaver called any person a “cunt” during the course of the meeting of Bembridge Parish Council on Tuesday 18th September 2018.*
55. On that question, the evidence before me is as follows: -
- a. 3 people. Ms Madeleine Reader, Cllr Mike Curtis, and Cllr Alasdair Steane are certain that Cllr Weaver called Cllr Steane a “cunt”;
 - b. 1 person, Cllr Richard Weaver, is certain that he would not have used those words, and instead that he referred to Cllr Steane as being a “cult”;
 - c. 1 person, Sir Paul Kenny, witnessed the meeting and confirms that he cannot say for sure that Cllr Weaver did use the word “cunt”, but it certainly sounded something like that. Sir Paul Kenny did not corroborate Cllr Weaver’s account that he instead called Cllr Steane a “cult”;
 - d. 1 person, Cllr Grant Stillman, who suggests it is slightly more likely than not that Cllr Weaver called Cllr Steane a “cult”; and,
 - e. 1 person, Cllr Margaret Donlon, who cannot recall Cllr Weaver having said anything, although she reflects that she would be surprised if Cllr Weaver used those words and would have taken offence to them.
56. Cllr Grant Stillman in his evidence noted that he and Cllr Weaver have “always” referred to Cllrs Curtis and Steane as being a “cult”. Cllr Donlon referred to Cllrs Steane (and others) as being like a cult during our interview but does not recall Cllr Weaver as having said anything during the occasion of the alleged incident.
57. When pressed to identify an occasion where any councillor has used the word “cult” to describe another councillor whilst conducting council business, no person could identify any occasion before or after this event where those words have been used. I find it relevant that in providing reasons as to why “cult” has not been used to describe other councillor/s after the event, not one person pointed to this incident as a misunderstanding that they wanted to avoid happening again.
58. Cllr Stillman is seen in the recording to have agreed with Cllr Weaver in an exchange with Cllr Steane in stating, at the point that Cllr Steane complains to the Chairman that he has been called “the ‘C’ word”, that he was one. When I asked during my investigation what it was he was agreeing to, Cllr Stillman suggests that he was reasserting the fact that Cllr Steane and Cllr Curtis were a “cult”.
59. I find that the allegation made by Cllr Steane in the course of the meeting was clear. Following that finding, and particularly given the seriousness of the allegation, it seems odd to me that no person sought to clarify the words that were used, or indeed indicate that it was a misunderstanding, even if just for the record.

60. I find the explanation given to me by Cllr Weaver, and also the evidence provided to me by Cllrs Stillman and Donlon to be plausible but insufficiently persuasive to override other evidence provided to me in the course of this investigation and therefore on balance I find it more plausible that the word “cunt” as opposed to “cult” was used.

61. For completeness I consider that Cllr Weaver was acting in his capacity as a member of Bembridge Parish Council when the incident is alleged to have occurred as it was at a Parish Council meeting.

62. Turning to the particular paragraphs of the Code of Conduct, I find as follows: -

Paragraph 3.(a) You must treat others with respect

- a. I find that using the word “cunt” to describe another person is language intended to abuse that person and further that as a result such behaviour is enough to amount to a failure to meet this obligation in the Code of Conduct.

Paragraph 5 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Bembridge Parish Council into disrepute

- b. As I have found that using the word “cunt” to describe another person is language intended to abuse that person, and that the complaint in this matter is that such language was used by Cllr Weaver towards another member, each in the course of their duties, I consider that I have no choice but to find that such behaviour could reasonably be regarded as bringing Cllr Weaver’s office as a member for the Bembridge North Ward into disrepute. I also find that in the circumstances of this investigation, with the incident having occurred at a public meeting of Bembridge Parish Council, it must also follow that the behaviour could also be reasonably regarded as bringing Bembridge Parish Council into disrepute.

Paragraph 3.(b)(ii) You must not bully any person

- c. It is important to note that there is no definition of “bully” or “bullying” in the Code of Conduct. I am therefore left to determine what constitutes bullying for the purposes of the Code of Conduct.

Collins Dictionary defines ‘bullying’ as: -

“the repeated use of threats or violence in an attempt to harm or intimidate others”¹

¹ <https://www.collinsdictionary.com/dictionary/english/bullying>
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This interpretation suggests that in order to 'bully' there is the need for a pattern of behaviour. This is a definition that is supported by the Committee on Standards in Public Life's report on Local Government Ethical Standards, which notes that *"bullying and harassment are instances of serious misconduct. By their nature they are likely to be persistent behaviour, rather than one-off instances."*²

Within the remit of the matter before me for investigation I have only a single incident and I therefore find that this behaviour, on its own, is insufficient to meet the definition of 'bullying' that I have identified above.

63. It is a consequence of local elections that any council is made up of members of different, or indeed no political persuasion. It follows that there will invariably be differences of opinions when members are asked to resolve matters on the agenda. It is however incumbent upon members to do so with high standards of probity. I consider that the alleged behaviour is a serious allegation against a member, and I have had that in mind whilst conducting this investigation.
64. Mr Alistair Drain, the council's Independent Person has noted that he remembers the allegation against Cllr Weaver and that if proven, language like that has no place anywhere, never mind in a public meeting where elected representatives are there to represent and govern on behalf of their community. Mr Drain noted that hopes a common sense of decency would prevail, and that Cllr Weaver provides a proper apology.

Finding

65. For the reasons I have identified above, and mindful that the test I must apply to the consideration of this matter, I find that it is more likely than not that Cllr Richard Weaver did indeed use the word "cunt" in a public council meeting.
66. As a result, I find that Cllr Weaver failed to comply with paragraphs 3(a), and 5 of the Code of Conduct.

Ben Gard

Principal Lawyer – Litigation & Property Team

For and on behalf of Geoff Wild, Monitoring Officer

19 December 2019