

Request for Review of Decision on Standards Complaint SH22 05032020

Original Complaints

The Complainants alleged that Cllr Granados had:

- Bullied, harassed and intimidated the Clerk and fellow Councillors;
- Used repetitive behaviour to further this conduct;
- Attacked the integrity of the Chair and the Clerk, accusing the Clerk of lying and colluding with outside bodies;
- Sent emails accusing the Clerk of not doing her job and saying that, with regards to this, she is 'disgusted';
- Accused councillors and the Clerk of not following policies and procedures;
- Set out in emails to other Parish Councillors and District Councillors that, with regards to the functioning of the Parish Council, 'standing orders, the code of conduct, financial controls and the integrity of the council have been thrown out of the window';
- Acted in an aggressive manner towards fellow Councillors and the Clerk, including blocking the exit from meetings so she could continue to question them on their actions;
- With regards to the running of the Council has said that, 'it's a mess'; and
- Overloaded other Councillors with emails and text messages to the point that some members have now blocked her.

Original Decision on Complaints

By a decision notice dated 11 March 2021 a finding of a breach of the South Brent Parish Code of Conduct without an investigation was made in respect of the failure by Cllr Granados to treat the Parish Clerk with respect; the bullying and intimidation of the Parish Clerk and the bringing the office of councillor into disrepute. The sanctions proposed were that Cllr Granados should:

- write a meaningful apology to the Clerk that is to be approved by the Monitoring Officer;
- be denied direct access to the new Clerk for a period of at least 12 months;
- be censured by the Parish Council; and
- apologise to Parish Council.

The Original Decision however cleared Cllr Granados of failing to have regard to advice given and of bringing the Parish Council into disrepute.

Request for a Review

On 24 March 2021, Cllr Granados requested a review of the Original Decision and set out her reasons for disagreeing with the decision in addition to providing several further attachments. The Request was supported by further representations in e-mails to the Monitoring Officer dated 27 March 2021; 29 March 2021 (three); 30 March 2021; 4 July 2021; 7 July and 13 July 2021.

Summary of Cllr Granados Representations

- The wrong person is the target of these complaints; she is the victim rather than the perpetrator.
- Concerns about the manner in which the Council is run and in particular the influence of the Chairman and other committee chairmen. Suggests that an outside group was controlling

the Council. Refers among other things to decisions and actions in September 2019. Says that the Council is breaching Covid-19 regulations.

- Refers to R(Havey) v Ledbury Town Council [2018] EWHC 1151 (Admin) as the basis for “this complaint needs to be reviewed using the code of conduct standards”.
- Says it is the public interest that the decision is reviewed.
- A complaint or complaints against other councillors will be submitted to support her review.
- The Localism Act 2011 does not permit decisions to be made on allegations of misconduct by a single person without a fair impartial investigation that is evidence based. There is therefore no basis for an outcome described as “complaint upheld without investigation”.

Decision on the Request for a Review

The Request for a Review is refused and the Original Decision is upheld.

Reasons

In much the same way that her response to the Original Complaints did, Cllr Granados’ request for a review of the Original Decision focuses exclusively on the actions and decisions of the Parish Council and others rather than her own alleged conduct. Unless I am to infer that by including extracts from Lambeth Council guidance on bullying she denies that her conduct amounted to bullying, The Council’s arrangements for dealing with allegations of misconduct by councillors expressly exclude complaints about a decision or action of a council or one of its committees/bodies or officers. Any such complaints are to be directed to the relevant council to be dealt with under its procedures.

Cllr Granados may genuinely believe that she has grounds for criticising the way in which the Parish Council operates and perceives herself to be acting with the best of motives. However, going about raising those concerns in the way that she has, is not the way to do so. Cllr Granados has said that she would be submitting complaints against other parish councillors to support her request for a review. Despite the additional time that has been “granted” due to the delay in completing this review, in part due to the pre-election period, no complaints have been forthcoming. In any event, they would be likely to be seen as being tit-for-tat rather than adding weight to her request.

Accordingly, in my view Cllr Granados has failed to adduce any substantive reasons why the Original Decision should be reviewed.

Although the reasons above are sufficient to refuse the request, I ought to say something about Cllr Granados’ representation that the arrangements for the consideration of allegations of misconduct by councillors are outside of the terms of the Localism Act 2011. Provided that the arrangements include the requirement in section 28(7) for there to be at least one independent person whose views must be sought and taken into account before a decision is made on an allegation that has been investigated; or which may be sought in any other circumstances, the 2011 Act leaves the detail of the arrangements to the District Council. Those arrangements have to strike an appropriate balance between such matters as the nature of the conduct complained of, the subject member’s response, the right to a fair hearing, resources and costs as well as the wider public interest in maintaining high standards of conduct by councillors. An investigation is not always required. Section 28(11) makes it clear that a finding that a member has failed to comply with the authority’s code of conduct can be made “whether or not the finding is made following an investigation under arrangements put in place...”

The arrangements in permitting a finding of breach without a formal investigation comply with the legislative requirements in that the councillor complained about is given the opportunity of

presenting their side of the events and the decision is reached taking those views into account as well the view of the Independent Person.