

# CONDUCT COMMITTEE

20 OCTOBER 2015 - 10:00AM



**PRESENT:** Councillor Miss S Hoy(Chairman), Councillor C Boden(Vice-Chairman), Councillor M J Humphrey, Councillor D Mason, Councillor R Skoulding, Tina Gambell, Councillor A Donnelly.

**APOLOGIES:** C Hawden-Beal, Councillor N Russell

Officers in attendance: Carol Pilson (Corporate Director & Monitoring Officer), Tom Lewis (Deputy Monitoring Officer), Jane Webb (Member Services & Governance)

Others in Attendance: Mr Gutteridge, Mr Farmer, Councillor Patrick

## **CND9/15 TO SIGN AND CONFIRM THE MINUTES OF THE MEETING OF 16 JULY 2015**

The minutes of the meeting of 16 July 2015 were confirmed and signed subject to the following amendment:

CND8/15 - 13th paragraph to read: "He thought this should be taken seriously as the issue was someone had spoken in an inappropriate way and sometimes autism is not treated as seriously as someone who was **physically** disabled".

## **CND10/15 REPORT OF AN INVESTIGATION UNDER THE CODE OF CONDUCT**

Councillor Hoy stated that as per the previous Conduct Committee whereby she had stood down for the item regarding the Initial Consideration of a Member Conduct Complaint - Councillor Patrick; that she would do the same at this meeting; she would take no further part in the meeting but would remain present throughout.

Councillor Boden stepped in as Chairman for the remainder of the meeting.

Councillor Boden stated that Item 5 and Item 7 were related as Item 7 contained the confidential papers relating to Item 5 and therefore put a resolution to Committee (which voting members passed unanimously) excluding the public and press for when Item 7 was referred to. He made it clear to all those present that any discussion pertaining to the confidential papers must not be repeated or used outside of this meeting to which everyone agreed.

The proposed hearing procedures were circulated to all present; these contained a slight variation from the Constitution with the reason being to ensure fairness to both parties; both parties stated they understood and were happy to proceed.

Councillor Boden asked both parties to be as succinct as possible with regard to their statements.

Councillor Boden welcomed Stephen Pearson, Investigating Officer and invited him to present the findings to his report.

Stephen Pearson presented his investigation under the Code of Conduct into allegations concerning Councillor Patrick of Elm Parish Council.

Councillor Boden thanked Stephen Pearson and invited the complainant to ask questions of Stephen Pearson.

Mr Gutteridge, the complainant, brought with him a representative, Mr Farmer, who stated the report was interesting and explained that Mr Gutteridge had asked if he would be his representative because of his disability. He made the following remarks and questions:

- Regarding "bringing your office or authority into disrepute"; given that Councillor Patrick belonged to Elm Parish Council, had they been contacted. Stephen Pearson stated he had not contacted Elm Parish Council;
- Regarding "you must treat others with respect" of which there was a significant amount in the report and the question as to whether Councillor Patrick was acting in the capacity of a councillor or not; the Code of Conduct stated that you must treat others with respect, not just whilst in the capacity of a councillor therefore would Stephen Pearson accept that there are obligations placed on councillors even when they are not conducting themselves in that capacity. Stephen Pearson responded stating this was a very fair question and one of which he did seek clarification and explained there was a view already taken that "you must treat others with respect" provision applied across the board and given that reference had been made within the exchange to Council matters and the election process, then this was enough to bring it into the scope of Paragraph 2(1);
- Councillor Patrick had been present at a Council meeting where minutes regarding Mr Gutteridge's medical condition - from a previous licensing hearing - had been considered. Councillors usually read minutes before attending a meeting and therefore it would have been evident to Councillor Patrick that Mr Gutteridge's condition had been mentioned in a licensing hearing in 2011. Stephen Pearson stated he had not looked into general Council business or seen any particular evidence;
- Whether Councillor Patrick was aware or not was obviously an issue of fact and for this hearing was it based on the balance of probabilities to which Stephen Pearson responded stating that this was the case although he felt he ought to have known but there was no proof;
- Was Stephen Pearson aware that Councillor Patrick was a member of UKIP as had been Mr Gutteridge (although not at the same time) and there would be just a small amount of people involved in UKIP in Wisbech therefore they would probably all know one another. Stephen Pearson had not examined this specific point but he reiterated the opinion as stated in his report.

Councillor Boden thanked Mr Farmer and invited Councillor Patrick to ask questions of Stephen Pearson to which Councillor Patrick responded stating:

- He had no questions at this point;
- He had no representative and could not afford a lawyer
- He would just like to make a statement at the end of the meeting

Councillor Boden again asked Councillor Patrick if he had any questions to ask of Stephen Pearson, to which Councillor Patrick responded stating:

- He had not visited Mr Gutteridge's Facebook page;
- Mr Gutteridge was just a name on a Facebook discussion page that consistently took snipes at him and attacked him through discussions on that page
- The remarks he had made were in response to Mr Gutteridge's remarks;
- He was not working in the capacity of a councillor;
- Only the day before he had been co-opted onto Elm Parish Council;
- He had no awareness of Mr Gutteridge's medical condition;
- How could he have attacked Mr Gutteridge's disability when he did not know it existed to which Stephen Pearson responded stating that to call someone "cretinous" even without a

disability was still disrespectful.

- After receiving the attacking comments from Mr Gutteridge; he had just snapped back at him to which Stephen Pearson stated that he should have adhered to the Code of Conduct to which Councillor Patrick replied stating that would be one sided to have been disrespected and not retaliated. Stephen Pearson stated this was a fair point but as a Councillor he was subject to the Code of Conduct; Councillor Patrick stated he should still have the right to respond to which Stephen Pearson responded stating that there had to be a line drawn somewhere.

Councillor Boden asked Councillor Patrick if he had any further questions to which he stated he did not.

Councillor Boden invited Members of the Conduct Committee to ask questions of Stephen Pearson, to which the following was asked:

- Was Stephen Pearson stating that he was withdrawing Paragraph 3(2)(b) - "You must not bully any person" to which he responded clarifying that he believed it not to be proven;
- Were Councillor Patrick and Mr Gutteridge friends on Facebook to which Stephen Pearson stated he did not believe they were but they were both members of several local forums on Facebook;
- Stephen Pearson stated within his report that you "take a victim as you find him" therefore was he using the term in that sense to which Stephen Pearson responded stating yes that in strict liability terms and that he expected there to be some knowledge as it was impossible to use the term "people like you" and not be aware that it would be found insulting.
- Did this mean that Stephen Pearson was suggesting that on the balance of probability Councillor Patrick had that knowledge and was this how he had reached his decision to which Stephen Pearson responded stating that as both parties had been involved in the political scene for some years then on balance it would not be surprising that Councillor Patrick did have some knowledge of Mr Gutteridge's medical condition; he had no proof but would be extremely surprised if he did not have some degree of knowledge;

Councillor Boden stated that even with the procedures in place for the hearing it needed to be carried out in a fair way and therefore asked if there were any further questions from either parties:

- Councillor Patrick stated that with regard to moving in the same political circles as Mr Gutteridge, he did not; he had only attended the electoral count at which he was a candidate and he had never attended the county council count. Regarding being a UKIP councillor, he was a new Member and had never socialised or met Mr Gutteridge in any way until the last Conduct Meeting.

Councillor Boden invited Mr Gutteridge to present his case:

- Councillor Patrick had not treated him with respect, people should treat autism with respect;
- Councillor Patrick was in a position of authority and had been a councillor for years and therefore should be aware of how to treat people with disabilities;
- What Councillor Patrick had written was mean; his comments show that.

Mr Farmer, as representative for Mr Gutteridge, added:

- Regarding the question as to taking "someone as you find" them; if you are a councillor and you are responding to comments then you are negligent if you do not take into account what you are saying; if the remark had been about colour of skin and the comment made "people like you" then it would have immediately been taken as offensive and he believed Councillor Patrick was trying to be offensive. He added that Councillor Patrick had stated he had "snapped" but then went on to say he paced up and down before deciding on what to

respond which showed it was premeditated and was as offensive as it could be whilst staying within the bounds of the law and therefore difficult to analyse the effect he would have on an autistic person with a complex medical condition and difficult to understand the stress this would have caused. As a councillor you expect to take a certain amount of "rough and tumble" both verbally and physically and therefore there was a standard of robustness that was needed as a councillor beyond what a normal person would need and to insult someone is inappropriate.

Councillor Boden thanked both Mr Gutteridge and Mr Farmer and following procedures meant questions to be asked of Mr Gutteridge not of Mr Farmer, but if Mr Gutteridge wished to relay his answers via Mr Farmer then that would be appropriate.

Stephen Pearson asked questions of Mr Gutteridge:

- Was Councillor Patrick a friend of his to which he replied that he had never been friends with Councillor Patrick and at one point Councillor Patrick had even blocked him on Facebook;
- Did Councillor Patrick know, or ought to know, about his medical condition and would Councillor Patrick have seen his logos on Facebook to which he replied that you would have to type in a name and click on the profile to see the logos that were on his cover page; otherwise just a photo is shown. As Mr Farmer had stated earlier there had been a meeting in July 2011 where Councillor Patrick was a Councillor with Fenland District Council at which he had spoken three times stating he had a medical disorder, Councillor Patrick had not been present at that meeting but he was at the following Council meeting.
- How had he taken the term when Councillor Patrick referred to "people like you" to which he stated that he had taken it as a slur against autism.

Councillor Patrick made comments and asked questions of Mr Gutteridge:

- Was he an administrator on the discussion forum to which he stated he had been, but not anymore;
- Having been an administrator this would have involved a lot of responsibility with the added ability to be able to keep or delete comments to which he replied that it did not involve a lot of responsibility and that people took the forum far too seriously;
- Did David Gutteridge bar him from the forum to which he replied he had not;

Members of the Conduct Committee asked questions of Mr Gutteridge:

- The private message was sent on the 8 June and you emailed Fenland District Council on the same day, did you do this within the hour to which he replied he had done this very soon after receiving the comment as he was aware of the Code of Conduct;
- Had there been any contact between the two parties since 8 June to which he replied there had not;
- Could he say that he had not provoked Councillor Patrick to which he stated he had commented in defence as he had been abused on Facebook in the past by Councillor Patrick, just the night before, but these posts had been deleted.

Councillor Boden stated that in fairness to all present, did anyone else have any further questions:

- The Investigating Officer asked that in reference to the deleted posts from 7 June, could Mr Gutteridge comment on the content of these to which he stated that the comments had included "crawl under a rock" and "guttersnipe" which anyone would find insulting but that seemed to be what Councillor Patrick liked to do. Who had deleted the posts to which Mr Gutteridge stated that as Councillor Patrick had created the posts then only he could have deleted them. Councillor Patrick added that he had not deleted any posts and that Mr

Gutteridge had continued to make comments on Facebook to which he had stated he could not remember making any comments since 8 June.

Councillor Boden invited Councillor Patrick to present his case, stating:

- He had no idea who Mr Gutteridge was, to him he was just another member of the forum on Facebook;
- Comments and remarks had always been initiated by Mr Gutteridge, to which he had responded;
- He knew nothing about Mr Gutteridge's medical condition and stated that he had seen nothing to indicate this either;
- He had received nasty comments from Mr Gutteridge to which he had responded; this was nothing more than "tit for tat";
- When Mr Gutteridge had privately messaged him with these comments, he had then snapped;
- Mr Gutteridge's medical condition had never been discussed, even Councillor Alan Lay knew nothing of his medical condition;
- The comments made were just "tit for tat" and he had not been the only person to have been attacked via a private message from Mr Gutteridge, he had brought along evidence to show that someone else had also suffered;
- Councillor Patrick had found a quote on Mr Gutteridge's website stating "let me know if I say anything to offend you, I may want to offend you later";
- His reply cannot be associated with his position on Elm Parish Council;
- Mr Gutteridge's remarks have continued as he had recently contacted a member of Councillor Patrick's family asking questions that they had found disturbing;
- Councillor Patrick felt he was being stalked;
- Ironic that a private message had caused such a stir
- He had never deleted or edited any comments and had nothing to hide;
- He always respected others but had felt the need to defend himself and was not abusing his position as a councillor;
- It was Mr Gutteridge that had made this public when it had just been a "tit for tat" ;
- He believed it was a predetermined exercise to blacken him;
- The decision to bring this to committee had been made by Councillor Hoy who was a friend and associate of Mr Gutteridge and Councillor Hoy had only stood down after the decision had been made to bring this to committee; why had she not stood down at the pre-committee stage; this makes the decision biased from the start;
- He had not known about Mr Gutteridge's medical condition;
- He had no reason to seek his profile out on Facebook as he was just another name on the forum;
- He had found this whole matter very hurtful and distressing.

Councillor Boden thanked Councillor Patrick and invited questions to be asked of Councillor Patrick.

Stephen Pearson asked the following questions of Councillor Patrick:

- There was a history between the two parties and asked him in what terms he had an online conversation with him to which Councillor Patrick stated he had never had a direct conversation with him, Mr Gutteridge had joined in conversations on the forum;
- Had Councillor Patrick made the comment "crawl under a rock" to Mr Gutteridge to which he agreed he had but only after having suffered comments from him;
- Would Councillor Patrick's comments have been different if he had been aware of Mr Gutteridge's condition to which he replied that they would have been but he had not known;
- The initial comments from Mr Gutteridge were made at 7pm yet Councillor Patrick did not respond until 10am the next morning to which Councillor Patrick stated that the remarks had

tipped him over the edge.;

- On reflection had he thought his remarks to be inappropriate to which Councillor Patrick stated that if he did not know about his medical condition therefore his remarks would have been the same as he had been attacked. If he had instigated it then it would have been different but he always came in from the sides to have a go.

Mr Gutteridge/Mr Farmer made comments and asked the following questions of Councillor Patrick:

- Whose conduct was on trial to which Councillor Patrick responded stating that it was his but what had Mr Gutteridge done to instigate it.
- What was his understanding of the differences between defence and attack to which Councillor Patrick stated that if someone attacked him then he would defend himself; Mr Gutteridge had not directly attacked him but had come in from the side and it got to a point where his space was invaded and that was hurtful;
- What did he do after he had sent the remarks to which Councillor Patrick responded stating he had lost his cool slightly;
- It appeared from the papers that once you had made the remarks that you then blocked Mr Gutteridge to which Councillor Patrick confirmed this as he had not wanted to hear anything further from him;
- Why did he not block Mr Gutteridge originally to which Councillor Patrick stated Mr Gutteridge always would make "dig in the rib" remarks and that when he was in UKIP he used to attack conservative members;
- You said that if you were dealing with someone who did not have a disability then you would not have been less tempered to which Councillor Patrick stated he would have responded; Mr Farmer asked if this was appropriate to which Councillor Patrick stated yes it was when you are consistently being attacked:
- Was it not odd that his approach was different from most councillors to which Councillor Patrick stated he was surprised that Mr Farmer had asked that question when he himself, as a councillor, had exploded in previous Council meetings;
- What did he understand as "tit for tat" to which Councillor Patrick stated that it was insults going backwards and forwards;
- Would he say that the Code of Conduct had no relevance in this matter to which Councillor Patrick stated it should never have come to committee;
- Your interpretation of treating people with respect; is that you do unless they are rude to you to which Councillor Patrick replied that he was always respectful until they are consistently rude to him; respect is earned and you cannot insult someone and not expect to receive a response;
- You stated that you felt like you were being stalked but yet you knew that Mr Gutteridge had laid on a surprise birthday party; was this not the pot calling the kettle black;
- Was surprised that Councillor Patrick's daughter was upset over being contacted by Mr Gutteridge as he stated they had got on well to which Councillor Patrick stated she was unhappy that Mr Gutteridge was looking in to her father's life.

Members of the Committee asked questions of Councillor Patrick:

- Was your initial message to Mr Gutteridge a private message to which Councillor Patrick confirmed that it was;
- Had he typed the symbols in the expletive word or had Facebook changed them to which Councillor Patrick stated he had typed the symbols;
- If he had known that Mr Gutteridge had medical problems, would he have still sent the messages to which Councillor Patrick stated that he would not have;
- Being a user of social media you must be aware that inappropriate conduct can be blocked, why did he not take this route to which Councillor Patrick stated if you started blocking people then there would be no one left;
- How did he see his role as councillor, as his behaviour as a councillor was what was under

scrutiny and as an elected Member always under scrutiny and therefore need to treat others with respect and not switch off. Whilst his Facebook page did not state he was a councillor, did he not feel that he was always a councillor and therefore should behave accordingly. Councillor Patrick responded stating that he did not feel he was constantly a councillor and that he had the right to a personal life; at that time he was acting as an individual;

- Did he feel his comments were justified to which Councillor Patrick stated that yes he did, as an individual to an individual;
- Was he not aware that Mr Gutteridge was involved in UKIP as an activist to which Councillor Patrick explained he had joined the UKIP party not long before the election as he agreed with their views on Europe but he was only involved in the election campaign and had not been involved with other members;
- How large was the UKIP group to which Councillor Patrick stated not large, there were three elected onto Cambridgeshire County Council and he was not heavily involved with them;
- Did he feel that if someone made allegations against him that he was allowed to respond to which Councillor Patrick stated it was not just one allegation, there were continuous digs and it came to a head when he then invaded his personal space and therefore he responded not knowing Mr Gutteridge's medical condition;
- If an individual of a different race accused you of being racist would you feel justified to do the same back to which Councillor Patrick stated he would not use racists remarks but if he was continually insulted then he would retaliate, adding that he was a tolerant and well respected person;
- The Code of Conduct restrains Councillors from making comments like these to which Councillor Patrick stated that it should not stop you from reacting as an individual and it should apply if you are acting as a councillor but not as an individual. Councillor Patrick reiterated that he was acting as an individual, he was only co-opted onto Elm Parish Council the previous day and had considered resigning from Elm Parish Council but after speaking to Elm Parish Council they had convinced him not to as he had not brought Elm Parish Council into disrepute;
- Had he attended any Code of Conduct training to which he stated he had not.

Councillor Boden invited all parties to summarise their respective cases.

The Investigating Officer summarised stating:

- There had been a lot of debate from both sides;
- He believed that Councillor Patrick did understand the Code of Conduct although he stated he was provoked, but as a politician he has a duty to act in accordance with the Code of Conduct;
- There had been some question as to whether Councillor Patrick was aware of Mr Gutteridge's medical condition and even if this was not proven, the comments were still extremely distressing and insulting and were an issue under the Code of Conduct;
- Whilst there still remained questions over whether Councillor Patrick was aware of Mr Gutteridge's medical condition there was still a duty in the Equality Act to act in an appropriate way and he should have had regard to this;
- There was some history and issues relating to this situation.

Mr Farmer summarised stating:

- The issue was down to the question as to whether there was a higher standard expected of Councillors, which there was because of the Code of Conduct;
- It was interesting that after the initial remarks had been made by Mr Gutteridge that it was some hours later before Councillor Patrick responded which showed it was a thought out response which was an abusive one and not an immediate reaction, showing it was calculated;
- Councillor Patrick had stated that if someone insulted him, regardless of a medical

condition, he would have done the same thing and with that in mind the Panel needed to look at what could be done about this; the main aim should be to correct the behaviour and not punish, as this would not achieve anything;

- He thought Code of Conduct training was necessary especially in dealing with people's disabilities and he strongly recommended the publication of a formal notice in the local paper in order to set the record straight and show the conclusions of the committee.

Councillor Patrick summarised stating:

- He agreed there should be a Code of Conduct and if making comments in the capacity of a Councillor then this should apply but there were times when councillors act as individuals and comments are made in that way, which is what happened to him; his comments were made as an individual in a private message, not in the public domain;
- The way in which the forum on Facebook operates is in a biased way;
- He should have the right to free speech as an individual;
- He had not put Elm Parish Council into disrepute.

Councillor Boden asked Tina Gambell, Independent Person, for her view on the proceedings, to which she replied:

- It was interesting to hear the additional information;
- Her opinion was that the initial message was political in nature and therefore any response given would have been of a political nature;
- Councillor Patrick's response was condescending and insulting and highly inappropriate, even though he was provoked;
- It had not been proven that Councillor Patrick was aware of Mr Gutteridge's medical condition and she did not believe that the comments made by Councillor Patrick were in relation to it;
- She was concerned that the local residents of Elm Parish Council would be concerned about approaching Councillor Patrick in that they may get shouted at or insulted if he did not agree;
- Councillor Patrick, having been a Councillor for five years, should have known how to distance himself from these messages.

Councillor Boden invited Members to deliberate the case and asked if Members believed that Councillor Patrick was within the scope of the Code of Conduct when this occurred.

- Councillor Humphrey stated he shared the Investigating Officer's thoughts that the initial comment was politically slanted so any response made by Councillor Patrick would be in a political manner and therefore that comment should have not been responded to if the Code of Conduct was being observed and because of the Code of Conduct he should have responded appropriately.
- Councillor Skoulding stated it was a private message and had not been written in the public domain and because of this it did not come under the Code of Conduct.
- Councillor Mason stated that he agreed with Councillor Humphrey, that the comment was politically motivated and therefore any response would be of a political nature; it did not matter that it was public or private; Councillor Patrick should have acted within the Code of Conduct.
- Councillor Boden asked if it was felt that once a subject was political then would this mean that a Councillor could be in scope of the Code of Conduct and the fact that a number of weeks before Councillor Patrick became a Parish Councillor on Elm Parish Council, therefore the code would have applied to him. Councillor Patrick made a strong argument that he was speaking in a personal capacity. Members have been given independent advice that these remarks do fall under the Code of Conduct because the subject matter was political and therefore felt there was a need to accept the independent advice given.

Councillor Boden stated that the remarks related to Councillor Patrick's old position of councillor and not his current one and that he personally had looked at this differently but logically the independent review is correct.

- Councillor Humphrey added that a Councillor should naturally "wear" his political hat at all times and cannot switch this on and off; the advice had been given that once a political subject was raised then it had moved into an area that was deemed to be that of a political nature. Councillor Skoulding added that Councillors are Councillors 24 hours, 7 days a week and the thread referred to when Councillor Patrick was a district councillor and not a parish councillor.

Councillor Boden invited Tina Gambell to give her views to which she stated that Councillor Patrick had been a Councillor for five years, even with a small break and therefore the Councillor "hat" must remain on, even though the comment was regarding losing his seat, it was made to someone in office.

**It was AGREED that Councillor Patrick was in scope of the Code of Conduct. (3 Agree/1 Against)**

Councillor Boden asked if it was felt that Councillor Patrick breached Paragraph 3.1 of the Code of Conduct - You must treat others with respect.

- Councillor Mason stated that whatever the provocation Councillor Patrick stated he would have reacted in the same way and that the tone of his reply and the profanity deletion that was used was totally inappropriate and disrespectful.
- Councillor Boden stated that Councillor Patrick had claimed the remarks were "tit for tat" and that his response should be considered as a defence but in Councillor Boden's opinion this should mean "like for like" yet the response given by Councillor Patrick was far above that given by Mr Gutteridge and as a result "tit for tat" did not apply; his response was insulting and did fall within the Code of Conduct.
- Councillor Humphrey stated that Councillor Patrick's response was absolutely not treating others with respect.
- Councillor Mason stated that Councillor Patrick was on trial and therefore "tit for tat" did not apply, a complaint had been brought against Councillor Patrick, therefore the Committee were judging just one person and not two
- Councillor Boden stated that the second point raised by Councillor Patrick was that he was concerned about the process that had been followed as a whole, regarding the initial assessment, and with Councillor Hoy being part of that process; this was a serious allegation. However, the purpose of that assessment was to weed out trivial complaints and if that had been the conclusion then the independent assessor would not have reached the conclusions that he had reached, therefore it had been appropriate for this complaint to come to committee. Councillor Boden stated he felt that any reasonable assessment would have come to the same conclusion therefore the initial assessment was not incorrect. Councillor Skoulding added it had been a fair process. Councillor Humphrey added that when it had first come to committee, if it had been felt that the complaint should not go further then the committee would not have asked for the Independent Investigation therefore he had no problem with the process and the complaint had gone through the correct process.

**It was AGREED that Councillor Patrick did breach paragraph 3.1 of the Code of Conduct - You must treat others with respect. (3 Agree/1 Against)**

Councillor Boden asked if it was felt that Councillor Patrick breached Paragraph 3.2(a) of the Code of Conduct - You must not do anything which might cause the Authority to breach UK Equalities

legislation.

- Councillor Mason stated that he did not think that the Asperger's question came into this as the reply was made regardless of the condition and therefore was not relevant therefore in his opinion there was not a disability aspect to this complaint.
- Councillor Skoulding stated that he did not think that Councillor Patrick was aware of Mr Gutteridge's medical condition.
- Councillor Humphrey stated he thought that due to the fact that the two parties had previous contact that Councillor Patrick would have known about Mr Gutteridge's condition/disability. Councillor Skoulding stated he believed that he had been at the licensing committee in question whereby Mr Gutteridge had attended, yet he had been unaware of his condition. Councillor Mason stated there was nothing in the messages regarding his condition.
- Councillor Boden stated that on the balance of probabilities it was likely that Councillor Patrick had known about Mr Gutteridge's condition. The independent report had found that this was proven after examining the evidence and given how small the Wisbech political activist scene was, in particular the UKIP party, he thought it was reasonable to assume that Councillor Patrick was aware of the condition and what had swayed him had been the phrase that Councillor Patrick had used, "people like you have absolutely nothing of value to offer to society" which was a strange comment and he fully understood as to why Mr Gutteridge felt the way he did.
- Councillor Skoulding added that people are brave from behind a screen whereas face to face they would not make the same comments.
- Councillor Boden asked why someone would use that phrase and Councillor Patrick had stated that "I lost the cool side of me" which was not an excuse in terms of the Code of Conduct. Councillor Skoulding stated he could understand where Mr Gutteridge was coming from. Councillor Boden explained that the way in which that remark was meant was key to this and it would be necessary for there to have been some knowledge. Councillor Boden added that he had a problem convicting someone on the terms of probability to which Councillor Boden stated unfortunately this was necessary. Councillor Humphrey stated that on the balance of probability he supported the independent report.

Councillor Boden asked Tina Gambell for her view to which she stated that there was no proof that Councillor Patrick knew about Mr Gutteridge's disability however it was quite possible that he did. Her opinion was the Mr Gutteridge had sent spiteful messages to Councillor Patrick and then Councillor Patrick had referred to him as a "guttersnipe" showed that there was no love lost between them; when he had referred to "people like you", she believed that he had referred to Mr Gutteridge as someone who sent spiteful comments for no reason.

**It was AGREED that Councillor Patrick did breach Paragraph 3.2(a) of the Code of Conduct - You must not do anything which might cause the Authority to breach UK equalities legislation. (Agree 2/Against 2 - Councillor Boden had the casting vote and voted to agree.)**

Councillor Boden asked if it was felt that Councillor Patrick breached Paragraph 3.2(b) of the Code of Conduct - You must not bully any person.

- Councillor Mason stated that it was inconclusive as to who provoked who.
- Councillor Boden stated he did not feel that Councillor Patrick was in a position of authority in respect of Mr Gutteridge for bullying to have taken place, this was just two individuals and he did not believe that the relationship between the two parties would determine that bullying had taken place.
- Tina Gambell agreed with the comments.

**It was AGREED that Councillor Patrick did not breach Paragraph 3.2(b) of the Code of**

**Conduct - You must not bully any person. (Agree 0/Against 4)**

Councillor Boden asked if it was felt that Councillor Patrick had breached Paragraph 5 of the Code of Conduct - Conducting yourself in a manner which can reasonably be regarded as bringing your office or authority into disrepute.

There were no comments from Councillors.

Councillor Boden stated he agreed with the assessment. Tina Gambell stated she also agreed with the Independent Investigation however having been a Councillor for a number of years that he should know how to talk to people and treat people with respect and the public need to know that they can turn to their local councillor and be treated with respect.

**It was AGREED that Councillor Patrick did not breach Paragraph 5 of the Code of Conduct - Conducting yourself in a manner which can reasonably be regarded as bringing your office or authority into disrepute. (Agree 0/Against 4)**

Councillor Boden read out the potential options now open to the committee. He suggested that Councillor Patrick be offered to agree to a formal letter of apology being given to Mr Gutteridge. Councillor Patrick reiterated that he had no knowledge of Mr Gutteridge's condition whatsoever and therefore he would not issue a letter of apology as he felt that was unfair and did not feel that an apology was in order.

Councillor Boden opened it up to Members to discuss appropriate sanctions.

Councillor Humphrey stated that he thought a publication of Formal Notice of breach in the local paper would be appropriate, to which Councillor Mason agreed. Councillor Boden informed Members that it was important to realise that this was one of the more serious sanctions open to Members. Councillor Boden added that it had not been his first inclination although he understood why Members would choose that sanction, he was of the opinion that the Committee needed to change the future behaviour of Councillors and not punish them; further training would be appropriate but also publication of a Formal Notification of Breach was necessary. Further training of Councillors was discussed by all Members, especially concerning their obligations under the Code of Conduct.

Tina Gambell stated that there was a very grey area between when a councillor was classed as an individual and when as a councillor, especially on Facebook and that there needed to be some training where Councillors can explore this area to know how to act when these situations occur. Councillor Patrick had already stated that he had no intention of apologising because he did not believe he had committed an offence; this made it a tricky area.

Carol Pilson, Monitoring Officer, stated that previously a note had been sent out to all Members regarding particular training matters; therefore this could be done with regard to social media sent from this committee as guidance on how to act in the future. Councillor Boden agreed this was a good idea but would not need to be a sanction.

Councillor Humphrey proposed that a Publication of Formal Notification of Breach in a newspaper circulating in the area be agreed, this was seconded by Councillor Mason. Tina Gambell stated this was a reasonable sanction.

**It was AGREED that a Formal Notification of Breach be published in a newspaper circulating in the area. (Agree 3/Against 0/Abstention 1)**

**CND11/15 CONFIDENTIAL PART OF AGENDA ITEM 5**

The confidential part of the agenda was noted.

1:30pm

Chairman