

Betley, Balterley and Wrinehill Parish Council Extraordinary Meeting

17th May 2024

Commenced: 6.30 pm

Terminated: 7.35 pm

Present: Councillor Bettley-Smith (Chair)
Councillors Berrisford, Bullock, Daly (part), Ecclestone, Hales, Head, Owen, Speed, and Watkin

There were 14 Members of the Public in attendance. Councillor Drakakis-Smith was also in attendance but she sat in and remained in the public gallery

1. APOLOGIES FOR ABSENCE

Councillors Daly and Hales, County Councillor, Paul Northcott and Borough Councillors Gary White and Simon White, submitted their apologies for absence. (Councillor Daly however, was able to attend the latter part of the meeting, as he had been able to leave work earlier than expected).

The Chair asked Councillor Drakakis-Smith if she would join the Parish Council meeting at the table but she said she preferred to sit in the public gallery.

2. DECLARATIONS OF INTEREST

All Members of the Parish Council agreed that they had an interest to declare in this matter, as one of the findings of the independent report commissioned to investigate a number of complaints, was that Councillor Drakakis-Smith was in breach of paragraph 5.1 (bringing the authority into disrepute).

Councillors Berrisford and Bullock however, declared a direct interest in this matter, as they were complainants whose well-being had been affected by the conduct of Councillor Drakakis-Smith.

The Chair reported that the public would not have an opportunity to participate in this meeting. The Clerk clarified that in accordance with the Code of Conduct [Disclosure of Non-Registerable Interests] adopted by the Parish Council, as members of the public were not allowed to speak at the meeting, Councillors Berrisford and Bullock should also not participate, due to their direct interests. The Parish Council therefore considered whether Councillors Berrisford and Bullock could be granted a dispensation to remain in the room whilst the meeting and the decision making was taking place, so long as they did not speak.

RESOLVED

That Councillors Berrisford and Bullock should not participate in any discussions or voting relating to this matter, but dispensation be granted to enable them to remain in the room with the Members, for all discussions.

For the purposes of the Minutes:-

- (i) This motion was proposed by the Chair and seconded by Councillor Watkin. Councillors Berrisford and Bullock abstained from voting, and the remaining Councillors around the table approved the proposal.**
- (ii) Councillor Drakakis-Smith remained in the public gallery. She did not declare an interest, nor did she attempt to speak, nor vote on the matter.**

The Chair then explained that the meeting was a procedural one, required by the Monitoring Officer to address the findings and recommendations of the Audit and Standards Hearing Panel, detailed in two letters. He outlined how the meeting would be conducted and asked all to respect the rulings from the Chair (if any).

3. REPORT FOLLOWING INVESTIGATION INTO ALLEGATIONS CONCERNING COUNCILLOR ANGELA DRAKAKIS-SMITH

Members considered a report of the independent Solicitor, Emma Patterson, (report previously circulated and attached to the Agenda) engaged by the Monitoring Officer of Newcastle Borough Council to conduct the investigation.

RESOLVED

That the report be received.

4. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL AUDIT AND STANDARDS HEARING PANEL – DECISION

(i) Member Code of Conduct Complaint – Cllr Drakakis-Smith of Betley, Balterley and Wrinehill Parish Council

In accordance with the recommendation from Newcastle-under-Lyme Borough Council, Members of the Parish Council considered the report and subsequent decision of the Standards Sub Committee Hearing Panel held to consider the Member Code of Conduct Complaints against Councillor Drakakis-Smith of Betley, Balterley and Wrinehill Parish Council (please refer to Appendix A of these Minutes for details).

Members of the Parish Council noted that the Hearing Panel agreed in full with the conclusions of the independent report (carried out by Emma Patterson, Solicitor) commissioned to investigate the complaints. The Hearing Panel found that Councillor Drakakis-Smith's conduct, as detailed in the report, was in breach of the Code of Conduct, paragraphs 1.2, 2.1-3 and 5.1.

RESOLVED

That the report and decision of the Newcastle-under-Lyme Borough Council Audit and Standards Hearing Panel, be received. The decision was unanimous by those Members authorised to vote.

[For the purposes of the Minutes Councillors Berrisford and Bullock abstained from voting. Councillor Drakakis-Smith remained in the public gallery. She did not attempt to speak, nor vote on the matter].

(ii) Letter dated 1 May 2024 from Anthony Harold (Monitoring Officer) on behalf of Cllr Mark Holland, Chair Standards Hearing Panel, sent to the Clerk

In accordance with the recommendation from Newcastle-under-Lyme Borough Council, the letter addressed to the Clerk Mrs Clough, was made public and Members of the Parish Council, considered its content. (Please refer to Appendix B of these Minutes for details).

RESOLVED

That the letter dated 1 May 2024 from Anthony Harold (Monitoring Officer) on behalf of Councillor Mark Holland, Chair Standards Hearing Panel, sent to the Clerk, be received.

[For the purposes of the Minutes Councillors Berrisford and Bullock abstained from voting. Councillor Drakakis-Smith remained in the public gallery. She did not attempt to speak, nor vote on the matter].

(iii) Letter dated 1 May 2024 from Anthony Harold (Monitoring Officer) on behalf of Councillor Mark Holland, Chair Standards Hearing Panel, sent to Councillor Drakakis-Smith.

In accordance with the recommendation from Newcastle-under-Lyme Borough Council, the letter addressed to Councillor Drakakis-Smith, was made public and Members of the Parish Council, considered its content. (Please refer to Appendix C of these Minutes for details).

RESOLVED

That the letter dated 1 May 2024 from Anthony Harold (Monitoring Officer) on behalf of Councillor Mark Holland, Chair Standards Hearing Panel, sent to the Councillor Drakakis-Smith, be received.

[For the purposes of the Minutes Councillors Berrisford and Bullock abstained from voting. Councillor Drakakis-Smith remained in the public gallery. She did not attempt to speak or vote on the matter].

5. NEWCASTLE-UNDER-LYME BOROUGH COUNCIL AUDIT AND STANDARDS HEARING PANEL

In accordance with the recommendation from Newcastle-under-Lyme Borough Council, Members of the Parish Council considered the recommended sanctions proposed by the Newcastle-under-Lyme Borough Council Audit and Standards Hearing Panel, as detailed below. (Please refer to Appendix A to these Minutes for the full report)

Sanctions Proposed by the Newcastle-under-Lyme Borough Council Audit and Standards Hearing Panel

We recommend the following sanctions, having had regard to the seriousness of the conduct code breaches in question, relevant guidance, and the range of sanctions available in the circumstances.

- We recommend that our decision is reported to the Parish Council at the next available meeting.
- We recommend that this letter and our letter to Councillor Drakakis-Smith are made public.
- We recommend that the Parish Council formally censures Councillor Drakakis-Smith.
- In consideration of the breach of paragraph 5.1 (bringing the authority into disrepute) we recommend that the Parish Council removes Councillor Drakakis-Smith from any external appointments or positions of responsibility that she holds in her role as a Parish Councillor.

The Chair proposed that the Members should withdraw from the meeting room, to consider the sanctions and to reach a conclusion, and at this juncture (7.15 pm) the Members retired.

For the purpose of the Minutes, Councillor Drakakis-Smith remained in the public gallery and did join (or ask to join) the Members.

At 7.20 pm, the Members returned to the Public Meeting.

The Chair and Clerk clarified that Councillors Berrisford and Bullock had not participated in any of the discussions or decision making, thereon.

The Chair also advised latecomers to the meeting, that Councillor Drakakis-Smith had stated (before the meeting commenced) that she did not wish to sit as a Member of the Parish Council at this meeting, which was why she had chosen to sit in the public gallery.

Councillor Drakakis-Smith then indicated from the public gallery that she now wished to participate, however, the Clerk confirmed that as the public were not able to speak at the meeting, then she too, was unable to participate.

At 7.25 pm, Councillor Daly arrived at the meeting.

RESOLVED

- (i) That the Parish Council notes the sanctions proposed by the Newcastle-under-Lyme Borough Council Audit and Standards Hearing Panel as set out in their letters dated 1st May 2024;**

- (ii) That the decision of the Newcastle-under-Lyme Borough Council Audit and Standards Hearing Panel is received and accepted, without reservation, by the Parish Council;
- (iii) That the letters dated 1st May 2024 from the Borough Council to the Clerk and to Councillor Drakakis-Smith, respectively, are made public;
- (iv) That the Parish Council notes with grave concern, the multiple breaches of the Code of Conduct and with some dismay also notes, that the Councillor has not accepted that her behaviour has been in breach of the Code of Conduct. The Parish Council further notes the aggravating factors in the case, such as challenging the process being followed and calling into question the professionalism and diligence of the Officers of the Borough Council. Therefore, the Parish Council resolves that Councillor Drakakis-Smith be censured by the Parish Council, in the strongest terms and, as part of that censure, shall be warned as to her future conduct and the consequences of any misconduct;
- (v) That the removal of Councillor Drakakis-Smith from all external appointments and positions of responsibility, which will include responsibility for reporting to the Parish Council on planning matters, membership of any Committees, Sub-Committees, or Working Groups, be approved.

[For the purposes of the Minutes, Councillors Berrisford, Bullock and Daly abstained from voting. Councillor Drakakis-Smith indicated that she now wished to join the Parish Council to vote and joined the Members at the table. The Clerk advised her that she was unable to vote due to her interest in this matter, and she requested that the Clerk sought clarification on this matter from the Monitoring Officer. Councillor Drakakis-Smith added that she wished her vote to be recorded. The Chair noted that Councillor Drakakis-Smith's vote would have no effect on the decision to adopt the resolution, which had been agreed by 7 of the Parish Council's 12 Members, with 3 Members abstaining and 1 Member who was absent]

Before moving on to address censure and future conduct, the Chair asked Councillor Drakakis-Smith if she wished to consider her position on the Parish Council, and Councillor Drakakis-Smith responded that she did not.

6. DECISION OF BETLEY, BALTERLEY AND WRINEHILL PARISH COUNCIL

Members of the Parish Council considered the sanctions proposed by Newcastle-under-Lyme Borough Council Audit and Standards Hearing Panel (Please refer to Appendix A to these Minutes for the full report), or whether to replace them with another relevant sanction and agreed the following:-

RESOLVED

- (i) That Councillor Angela Drakakis-Smith's decision, to remain a Member of this Parish Council, be noted;
- (ii) That the Members of Betley, Balterley and Wrinehill Parish Council wish to place on record that they have no confidence in the ability and/or willingness of Councillor Angela Drakakis-Smith to carry out her duties as a Parish Councillor in a correct and appropriate manner, as prescribed in the Code of Conduct and other documents.

The Chair then outlined how misconduct at any future meetings would be addressed, as detailed in Standing Order 18.

The Chair expressed his personal regret that this situation, which to his knowledge had never arisen before, had occurred. He acknowledged that this situation had been quite distressing and extremely stressful for all those involved. He added that he hoped that Councillor Drakakis-Smith would heed the advice from the Monitoring Officer and that the powers in Standing Order 18, would not be required. As Councillor Drakakis-Smith had decided to remain as a Member, which she was entitled to do, he hoped that the situation and relationships would be much improved, going forward.



NEWCASTLE-UNDER-LYME BOROUGH COUNCIL

**MONITORING OFFICER'S
REPORT TO**

**AUDIT AND STANDARDS HEARING PANEL
30 April 2024**

Report Title: Member Code of Conduct Complaint – Cllr Drakakis-Smith of Betley, Balterley and Wrinehill Parish Council

Submitted by: Monitoring Officer

Portfolios: N/A

Ward(s) affected: N/A

Purpose of the Report

To determine whether or not the panel accept the findings of the investigation report regarding the complaints received against the subject member and what sanction (if any) it determines should be imposed upon the Subject Member.

Recommendation

That the Panel determine whether:-

1. The Subject Member was subject to the Code at the time of the behaviour complained of;
2. If so, whether the panel concur with the findings in the investigation report which has been submitted that the behaviour complained amounts to a breach of the Code;
3. If so, what in the view of the panel should be an appropriate sanction of the subject member;
4. Recommendations should be made to Betley, Balterley and Wrinehill Parish Council regarding any sanctions that may be deemed to be appropriate.

Reasons

If a complaint is ultimately upheld, after formal investigation, remedies range from recommending training, through to public censure/reprimand. The Panel will need to take a view on the seriousness of the complaint, whether the panel concur with the findings of the investigation, the likely proportionate outcome and what resolution would be most appropriate in all the circumstances.

1. **Background**

1.1 Several complaints have been made by members of Betley, Balterley and Wrinehill Parish Council, namely: Parish Councillors' Amanda Berrisford, Neil Bullock and Sebastian Daly; Gwyn Griffiths (retired Parish Council Clerk) and Steven Ball (member of the public) that Councillor Angela Drakakis-Smith has breached the Parish Council's Code of Conduct.

2. **Issues**

2.1 Panel members have been supplied with the full Members Code of Conduct

Investigation Report by Emma Patterson dated 15.02.24 including appendices and all supporting documents as referenced by Emma Patterson in her report which they will have read and considered as part of their deliberations in this matter.

2.2 Section 2 of the includes a "Summary of Investigation Outcome" which states;

- *Having carried out my investigation, and taking in to account all of the Complainants' comments on my draft report as well as ADS' comments I make the final finding that there is evidence that Cllr Drakakis-Smith infringed the Code by failing to show respect for others, by bullying and harassing GG and bringing the Parish Council into disrepute. (2.1);*
- *I have set out a detailed explanation below. This is my final report. (2.2)*

2.3 Section 10 of the Members Code of Conduct Investigation Report includes the "Findings" of the report as follows;

- *For the reasons set out above, I have found overwhelming evidence that Cllr Drakakis-Smith by her statements and actions did infringe Paragraph 1.2, 2.1-2.3 and 5.1 of the Code. (10.1)*
- *Cllr Drakakis-Smith made it clear to me that she equally feels she could have raised the same or similar allegations of lack of respect or offensive behaviour or bullying and harassment towards her on the part of the Complainants. I asked ADS why she has never raised a complaint. She advised me that she spoke to DD (ex-Monitoring Officer of NBC) soon after she joined the Parish Council. ADS said that they discussed the problems at the Parish Council between them and it was recognised by both ADS and DD that if ADS had raised a complaint this could be counter-productive and therefore she never did. (10.2)*
- *However, the fact remains that ADS was at liberty to raise a complaint at that time or prior to the complaints being made against her (had she wished) but decided not to do so. (10.3)*

2.4 Appendix 1 to the Investigation Report includes Significant Comments Received from Complainants (1.1 – 1.5.3; pp.40-49).

2.5 Appendix 2 to the Investigation Report includes "Rebuttal" from Cllr. Angela Drakakis-Smith on Draft Investigation Report (pp.49 – 80).

3. **Proposed Solution**

That the Panel determine whether:-

- 3.1 The Subject Member was subject to the Code at the time of the behaviour complained of;
- 3.2 If so, whether the panel concur with the findings in the investigation report which has been submitted that the behaviour complained amounts to a breach of the Code;

3.3 If so, what in the view of the panel should be an appropriate sanction of the subject member (see list below);

- Censure or reprimand the Member;
- Publish its findings in respect of the Member's conduct;
- Report its findings to the Council *[or to the Parish Council]* for information;
- Recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities (if applicable);
- Instruct the Monitoring Officer to *[or recommend that the Parish Council]* arrange training for the Member;
- Remove *[or recommend to the Parish Council that the Member be removed]* from all outside appointments to which he/she has been appointed or nominated by the authority *[or by the Parish Council]*;
- Withdraw *[or recommend to the Parish Council that it withdraws]* facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- Exclude *[or recommend that the Parish Council exclude]* the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

[The Committee/PC has no power to suspend or disqualify the Member or to withdraw Members' or special responsibility allowances].

3.4 Recommendations should be made to Betley, Balterley and Winehill Parish Council regarding any sanctions that may be deemed to be appropriate;

4. **Reasons for Proposed Solution**

4.1 The proposed solution presents the Panel with the full range of options available to them for the Panel to choose from in the event that it upholds the findings of the investigation report dependant on the Panel's view of the severity of the matters complained of.

5. **Options Considered**

5.1 All the available options are set out in this report.

6. **Legal and Statutory Implications**

6.1 This report and the Code and Process to which it relates are brought further to and in compliance with the statutory requirements for councils to adopt a Member Code of Conduct, and for this Council to have in place a process for dealing with complaints about breaches of the Code.

6.2 Statutory duties in respect of equality are discussed below.

Investigation Report by Emma Patterson dated 15.02.24 including appendices and all supporting documents as referenced by Emma Patterson in her report which they will have read and considered as part of their deliberations in this matter.

2.2 Section 2 of the includes a "Summary of Investigation Outcome" which states;

- *Having carried out my investigation, and taking in to account all of the Complainants' comments on my draft report as well as ADS' comments I make the final finding that there is evidence that Cllr Drakakis-Smith infringed the Code by failing to show respect for others, by bullying and harassing GG and bringing the Parish Council into disrepute. (2.1);*
- *I have set out a detailed explanation below. This is my final report. (2.2)*

2.3 Section 10 of the Members Code of Conduct Investigation Report includes the "Findings" of the report as follows;

- *For the reasons set out above, I have found overwhelming evidence that Cllr Drakakis-Smith by her statements and actions did infringe Paragraph 1.2, 2.1-2.3 and 5.1 of the Code. (10.1)*
- *Cllr Drakakis-Smith made it clear to me that she equally feels she could have raised the same or similar allegations of lack of respect or offensive behaviour or bullying and harassment towards her on the part of the Complainants. I asked ADS why she has never raised a complaint. She advised me that she spoke to DD (ex-Monitoring Officer of NBC) soon after she joined the Parish Council. ADS said that they discussed the problems at the Parish Council between them and it was recognised by both ADS and DD that if ADS had raised a complaint this could be counter-productive and therefore she never did. (10.2)*
- *However, the fact remains that ADS was at liberty to raise a complaint at that time or prior to the complaints being made against her (had she wished) but decided not to do so. (10.3)*

2.4 Appendix 1 to the Investigation Report includes Significant Comments Received from Complainants (1.1 – 1.5.3; pp.40-49).

2.5 Appendix 2 to the Investigation Report includes "Rebuttal" from Cllr. Angela Drakakis-Smith on Draft Investigation Report (pp.49 – 80).

3. **Proposed Solution**

That the Panel determine whether:-

- 3.1 The Subject Member was subject to the Code at the time of the behaviour complained of;
- 3.2 If so, whether the panel concur with the findings in the investigation report which has been submitted that the behaviour complained amounts to a breach of the Code;

Our ref:

Your ref:

Date: 1st May 2024

Mrs M Clough
Clerk
Betley, Balterley & Wrinehill Parish Council

By e-mail only: betley.balterley.wrinehill@gmail.com



Castle House
Barracks Road
Newcastle-under-L
Staffordshire
ST5 1BL

Dear Mrs Clough

We are writing as the Newcastle-under-Lyme Borough Council Standards Sub Committee Hearing Panel, which was convened to hear and determine complaints made against Parish Councillor Angela Drakakis-Smith.

Decision

The panel agrees in full with the conclusions of the independent report commissioned to investigate the complaints. We find that Councillor Drakakis-Smith's conduct, as detailed in the report, was a breach of the Code of Conduct, paragraphs 1.2, 2.1-3 and 5.1.

We enclose a copy of a letter addressed today to Councillor Drakakis-Smith detailing our decision and our reasoning.

Sanctions

We recommend the following sanctions, having had regard to the seriousness of the conduct and breaches in question, relevant guidance, and the range of sanctions available in the circumstances.

- We recommend that our decision is reported to the Parish Council at the next available meeting.
- We recommend that this letter and our letter to Councillor Drakakis-Smith are made public.
- We recommend that the Parish Council formally censures Councillor Drakakis-Smith.
- In consideration of the breach of paragraph 5.1 (bringing the authority into disrepute) we recommend that the Parish Council removes Councillor Drakakis-Smith from any external appointments or positions of responsibility that she holds in her role as a Parish Councillor.

Next steps

The following is an extract from the Local Government Association's Guidance on Member Misconduct Code of Conduct Complaints Handling (21 September 2021), which we hope is helpful.

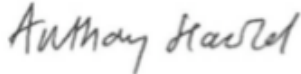
Contacting the Council: Telephone 01782 717717
E-mail customerservices@newcastle-staffs.gov.uk · www.newcastle-staffs.gov.uk

"Note that where the subject member is a parish or town councillor, the matter is referred back to their council to say that a breach of the Code has been found and with a recommended sanction. The town or parish council must then meet to consider whether to impose that sanction or to replace it with another relevant sanction. They cannot overturn the finding that there has been a breach of the Code and if they wish to impose a different sanction they should seek advice from the clerk and/or the monitoring officer. The panel should also ask the parish or town council to report back to the monitoring officer within three months to confirm that they have met to discuss the sanction, and if necessary, to write again once the sanction has been fulfilled."

We recognise that the matters covered by this standards investigation have been extremely unpleasant for a number of people in the parish and involved in the work of the Parish Council. Nevertheless, as we have written to Councillor Drakakis-Smith, we do sincerely hope that a positive and productive working relationship can be established now, for the benefit of the whole community that you serve.

If you do have any further questions, please do not hesitate to contact the Monitoring Officer.

Yours sincerely



Anthony Harold

For and on behalf of Councillor Mark Holland, Chair Standards Hearing Panel

Cc: Chair, Betley, Balterley & Wrinehill Parish Council

Our ref:

Your ref:

Date: 1st May 2024

Cllr Drakakis-Smith

By e-mail only: draks1@hotmail.co.uk



Castle House
Barracks Road
Newcastle-under-Lyme
Staffordshire
ST5 1BL

Dear Cllr Drakakis-Smith

We are writing as the Newcastle-under-Lyme Borough Council Standards Sub Committee Hearing Panel, which was convened to hear complaints made against you in your capacity as an elected member of the Betley, Balterley and Wrinehill Parish Council.

Decision

The panel agrees in full with the conclusions of the independent report. We find that your conduct, as detailed in the report, was in breach of the Code of Conduct, paragraphs 1.2, 2.1-3 and 5.1.

Through your words and actions, you made others feel threatened and upset. You bullied, harassed and disrespected an employee of the Parish Council. You have been inappropriately sarcastic and disrespectful towards other Parish Councillors. You have brought the Parish Council into disrepute. These are serious matters.

Sanctions

The panel recommends sanctions as detailed in our letter addressed today to the Parish Council. It is for the Parish Council to consider and apply such recommendations as it determines are proper. It is, however, one of our recommendations that our decision, including this letter and our letter to the Parish Council are made public.

In evaluating the appropriateness of sanctions, we are mindful of the limited range of sanctions available under the local government standards regime, particularly those available in the context of a parish council.

We consider it a mitigating factor that you offered an apology to the former Parish Clerk with regard to your disrespectful comments. This apology was considered acceptable by the author of the independent report, and we have agreed with her analysis. We also consider it a mitigating factor that you have complied with the investigation made into your conduct in answering questions that were put to you and providing feedback where requested.

However, we consider it an aggravating factor that you have not accepted that a whole range of your behaviour has been in breach of the Code of Conduct. You have instead, at several stages, sought to challenge the process being followed and to call into question the professionalism and diligence of the officers of the Borough Council administering it.

Contacting the Council: Telephone 01782 717717

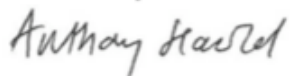
E-mail customerservices@newcastle-staffs.gov.uk · www.newcastle-staffs.gov.uk

Next Steps

In reaching its decision, we would like to reassure you that the Panel has considered your conduct and the relative carefully. We hope that this decision will cause you to reflect seriously on your actions and how they affect colleagues.

We hope that the content of the independent report and the comments of the author will guide you in identifying the ways in which your conduct has been below the required standard. We sincerely hope that it is possible for you and for the whole of the Parish Council to work productively and cordially together in the future, for the good of the community that you all serve.

Yours sincerely

A handwritten signature in cursive script that reads "Anthony Harold".

Anthony Harold

For and on behalf of Councillor Mark Holland, Chair Standards Hearing Panel