



Standards Decision Notice

Case: 2021/C23

Subject Member: Cllr Jill McNally
Authority: Honiton Town Council
Complainant: Carla Salisbury

Brief statement of allegation:

The allegation is that at the Honiton Town Council meeting on 11th October 2021, in response to a comment of there being disgusting behaviour stated that Honiton Forward had caused it and then when leaving the meeting stated that "*they have, the Bastards have won haven't they*" and you then acted in a very aggressive manner to people in the public gallery area. The complainant feels that it is an act as you had time to kiss a dog's nose on route leaving the room while supposedly being in an upset state then continued to go to the local pub where you were seen laughing and joking with councillor Taylor. The complainant considers that not going home was very strange behaviour for someone so traumatised.

Relevant paragraphs of the Code of Conduct:

4. You **must**
(a) treat others with courtesy and respect including fellow council members, staff and members of the public;
5. You **must not**
(h) conduct yourself in a manner or behave in such a way so as to give a reasonable person the impression that you have brought your office or the Council into disrepute.

Subject member comments:

Cllr McNally has responded to the complaint and has provided information regarding wider background issues that are affecting her, specifically receipt of anonymous hate mail and involvement of the Police following an incident at the September Council meeting. This background provides the context for the '*toxic situation*' as Cllr McNally describes it. As far as relevant to the specifics of the complaint, and in summary, Cllr McNally says;

- She rejects the complaint utterly.

- Persistent bullying behaviour and aggressiveness from Honiton Forward people is adversely affecting her.
- She was pressured at that meeting by another Honiton Forward sponsored councillor to put her resignation in writing. This reduced her to tears and when she left she was laughed at by a member of the public. She accepts that she snapped at the member of the public as she walked out past her, but she seemed to be finding her distress funny. She says it was not funny and reiterates that she was crying. She notes that once again she had reason to be grateful to Cllr Taylor - he had been sitting on the other side of the chamber to her, had obviously seen the state she was in and he followed her out and helped her home.
- Accepts that Cllr Taylor did take her to the pub and bought her a drink. There was no laughing and joking, and she does not like that hearsay has been used (which are lies anyway) as part of the complaint which she does not accept.
- A hope that the complaint will be rejected out of hand with an apology from the complainant.
- That the blame for all this lies fairly and squarely at the feet of Honiton Forward, although states that this is part of a much larger issue.

Background / facts:

The minutes of the 13th September 2021 Council meeting records the following (under Item 21/172);

'In view of the above Cllr McNally advised that she was resigning from the Council. Cllr McNally left the meeting at 20.06pm.'

On 21st September 2021, there is an email from the Clerk to all councillors confirming that no notice of written resignation had been received from Cllr McNally.

Cllr McNally is recorded as present at the formal meeting of 11th October 2021 of Honiton Town Council.

The following is recorded in the minutes of the 11th October 2021 meeting on Item 21/195 (approval of the 13th September 2021 meeting minutes);

'Cllr Sexton queried whether Cllr McNally had resigned from the Council as stated verbally at the meeting on the 13th September 2021.

Cllr McNally responded saying that she had provided the Town Clerk with a statement and would not be making any further comment.

Cllr Sexton noted that since her first Council meeting in June 2021, Cllr McNally had on two occasions left a Council meeting, and requested an assurance from Cllr McNally that she would not do so in future, as such behaviour brought the Council into disrepute.

Cllr McNally objected to the allegation that she had brought the Council into disrepute and accused Cllr Sexton and others of bullying her.

Cllr Zarczynski objected to the allegation that Cllr McNally had brought the Council into disrepute and accused Cllr Sexton and others of bullying Cllr McNally.'

It is reported that the exchange between Cllr Sexton and Cllr McNally was dealt with politely and respectfully, following this the meeting becomes more acrimonious such that the Chair adjourns the meeting. It is understood the meeting was still live streamed during the adjournment, although it is possible that the audio was not working very well.

A video recording from the complainant has been provided showing what happened for part of the adjourned period;

- (1) The video shows interactions between the Chair and Cllr Sexton, Proszowska, Hurford and Taylor in relation to claims of bullying of Cllr McNally and matters from Cllr Sexton's previous employment.
- (2) Following the above interactions, Cllr McNally can then be heard saying various things including 'I'm very sorry', 'if you clap again I'll...', 'her husband attacked me', 'I don't care' and 'I am never ever coming back'.
- (3) Cllr McNally can then be seen packing her bag and Cllr Zarczynski says 'it is disgusting this behaviour'. Cllr McNally then says 'It is all caused by Honiton Forward' and she says and repeats 'I don't care' and 'I don't care anymore' as she is walking out. She pauses to stroke a dog and then says "they have, the Bastards have won haven't they". Cllr McNally then points into the public gallery and aggressively says 'leave me alone, leave me alone'.

Cllr Sexton says she was not aware of any email concerning Cllr McNally's resignation before the meeting on the 11th October. She notes that the 13th September meeting was the second time Cllr McNally had resigned and left 'shouting at both the councillors and at the members of the public who were present'. Cllr Sexton says she asked the question about her providing a statement to explain her position as a consequence of this. She says 'I was confused as to whether she had resigned or not and I assumed others would have been interested in her response to the question, although this had not been discussed. I was just surprised to see her at the meeting. She also says '[i]n the circumstances I felt that it was a perfectly reasonable question to ask, in light of the fact that I had no other information'.

Honiton Forward is a group established in July 2020 with, according to their [website](#), the aim of ensuring that 'Honiton is a great place to live and work and to create a strong vision for the future for the town and to find ways to empower the whole town in working together to achieve it'. Due to concerns around the running of Honiton Town Council, they were responsible for organising a petition requesting a community governance review of Honiton Town Council which included calling for the Council to be dissolved. They sponsored and supported some of the Councillors who stood for election to Honiton Town Council in the May 2021 election.

Reasoning:

Capacity

Cllr McNally was present at the 11th October meeting as a councillor. Therefore she was acting in official capacity and the Code of Conduct applied to her behaviour whilst attending the Council meeting. There is no evidence that Cllr McNally did anything having left the meeting or at the pub to suggest she was acting in her official capacity and therefore once Cllr McNally leaves the meeting it is considered that her behaviour is not subject to the Code of Conduct.

Courtesy and respect

The LGA Guidance on their Model Code of Conduct in relation to respect and disrespectful behaviour says;

'Rude, offensive, and disrespectful behaviour lowers the public's expectations and confidence in its elected representatives'

'Examples of disrespect in a local government context might include rude or angry outbursts in meetings, use of inappropriate language in meetings...such as swearing.'

'Disrespectful behaviour can be harmful to both you and to others. It can lower the public's expectations and confidence in you and your local authority and councillors and politicians more generally.'

There is no doubt that on the basis of Cllr McNally's account she feels she has been subjected to unacceptable behaviours and treatment. The Police are involved. It is not necessary to conclude on the accuracy of her account, it is enough to understand there are events that are subject to Police involvement and which are affecting Cllr McNally and are likely a significant contributing factor to what unfolds at the 11th October meeting.

There are only two aspects of the adjourned part of the 11th October meeting that could be argued to fall within the scope of this section. Firstly, the comments in relation to Honiton Forward and the 'bastards have won haven't they'. Secondly, the comments to the member of the public as Cllr McNally is leaving where she aggressively says 'leave me alone'. The audience was other Councillors, Council staff and also members of the public (in attendance at the meeting or watching via the live stream).

Cllr McNally's clearly has strong feelings in relation to the actions of Honiton Forward. This is clear from the comments at the meeting but reinforced in her comments in response to the complaint. Cllr McNally understands that some of the recently elected Councillors are associated with Honiton Forward and on balance it is likely that her view is that some of the members of the public in attendance were also associated with the group. Having said '[i]t is all caused by Honiton Forward' there is a clear link to the subsequent comments that *'the Bastards have won haven't they'*. This is a disrespectful comment to anyone associated with Honiton Forward, whether they are a councillor or a member of the public.

With regard to the comment to the member of public on the way out, while not rude it was an angry outburst. Cllr McNally accepts that she 'snapped' at the member of the public although explains that this was because she was being laughed at and the member of the public was finding her distress funny. While Cllr McNally explains what caused it, she does accept she snapped which is an implicit admission that it should not have happened. It is considered that the aggressive comments to the member of the public were disrespectful to them.

On the basis of what Cllr McNally is saying - and for clarity just to confirm that this is not an acceptance of her version of events - I have the utmost sympathy for the circumstances she describes as experiencing because clearly it is adversely affecting her. This said, in light of those circumstances it might have been sensible for Cllr McNally not to have attended the meeting in question. By doing so, she has put herself into the environment which she describes as a *'toxic situation'* and therefore must have appreciated the potential risk of doing so. I also appreciate the imperative of councillors fulfilling their mandate which (at least in part) may explain her attendance. However, holding public office comes with responsibilities and obligations and irrespective of her personal circumstances, and while her reactions may be understandable, those responsibilities and obligations still need to be adhered to. It is my view that those responsibilities and obligations were ignored in preference of expressing personal feelings. Ultimately Cllr McNally should have been able to find a way to deal with the situation without resorting to disrespectful comments.

It was inappropriate for her to have made the comments she did and in doing so did not treat the member of the public or those associated with Honiton Forward with courtesy and respect.

Disrepute

The LGA Guidance on their Model Code of Conduct in relation to disrepute says;

*'...a councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:*

- 1) reducing the public's confidence in them being able to fulfil their role; or*
- 2) adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.'*

*'Conduct by a councillor which could reasonably be regarded as reducing public confidence in their local authority being able to fulfil its functions and duties will bring **the authority** into disrepute.'*

As is noted above (in Courtesy and respect), disrespectful behaviour lowers the public's expectations and confidence in its elected representatives, the local authority and councillors. Her behaviour in this case also sits against a background of public concern already in relation to the ability of Honiton Town Council to operate effectively (*cf* to the recent Community Governance Petition as but one example). Behaviour such as this will simply reinforce the public's concerns. It is considered that the reasonable person's view of Cllr McNally's actions is that they would reduce the public's confidence in her ability to fulfil her role and adversely affect the member's ability to fulfil their role and also reduce public confidence in the Council's ability to fulfil its functions and duties.

It is therefore considered that Cllr McNally has brought her office and the Council into disrepute.

Freedom of speech

It is considered that the comments were not made during the course of political debate and were not political expression. Rather it was personal anger and criticisms aimed at others. As such the comments do not benefit from the enhanced protection of freedom of expression.

Summary

The behaviour of Cllr McNally in relation to the comments she made at the 11th October meeting is sufficient to amount to a breach of the code of conduct under paragraphs 4(a) and 5(h).

Independent Person's view:

I have reviewed the draft decision notice and the supporting evidence as well as the original complaint.

I am in agreement with your findings of breaches of the Code Of Conduct by Cllr McNally.

Decision:

Having considered the views of the Independent Person and for the reasons given above, I therefore find that Cllr McNally;

- Did not treat others (namely those associated with Honiton Forward and a member of the public) with courtesy and respect and has breached paragraph 4(a) of the Code of Conduct,
- Brought the role of councillor and / or Honiton Town Council into disrepute and has therefore breached paragraph 5(h) of the Code of Conduct.

Sanction (if applicable):

In light of the circumstances, an appropriate sanction is for a written apology to the member of the public and an apology to be given in the public session of a Town Council meeting of Honiton Town Council. The wording of the apology to be first agreed with the Monitoring Officer.

Issued by Monitoring Officer on: 19th December 2021