

## **HEARING SUB-COMMITTEE**

**WEDNESDAY, 1<sup>ST</sup> MARCH 2017**

**Present:** Chair: Councillor Geoff Ellis

Councillors Ronald Hills and Loraine Woolley  
Chris Elkington (Independent Person)

**Also in Attendance:**

Councillors Chris Burke, Bob Bushell, Karen Lee and Edmund Strengiel

**Officers:**

Carolyn Wheeler (Monitoring Officer/Investigating Officer)  
Graham Watts (Principal Democratic Officer and advisor to the Sub-Committee)

### **1 Procedure for the Hearing Sub-Committee**

The Principal Democratic Services Officer outlined the procedure to be followed at the Hearing, as set out in the agenda pack. He highlighted that the case under consideration consisted of two complaints, meaning that both subject members would have the right to address the Sub-Committee and call any witnesses they felt necessary at the relevant stage of the procedure.

As a preliminary procedural issue, no declarations of interest or requests for the exclusion of the press or public were received.

### **2 To consider the Monitoring Officer's investigation report**

A summary of the case was included in the Investigating Officer's report.

It was noted that the Council's Monitoring Officer had received a telephone call from Councillor Karen Lee on 28<sup>th</sup> November 2016 stating that she wished to make a complaint under the Member Code of Conduct against Councillor Edmund Strengiel with regards to his behaviour at the meeting of the Community Leadership Scrutiny Committee on 22<sup>nd</sup> November 2016. Subsequent emails from Councillor Lee set out why she considered that Councillor Strengiel had breached the Member Code of Conduct, claiming that Councillor Strengiel was "rude, bullying and aggressive", had accused her of poor chairing and that his behaviour was not 'courteous or civil'. The correspondence went on to say that Councillor Strengiel made a number of comments at the meeting, which included an invitation to Councillor Bob Bushell to 'go outside'.

Councillor Lee believed that the behaviour of Councillor Strengiel at the meeting of the Community Leadership Scrutiny Committee constituted a breach of the Member Code of Conduct.

On 24<sup>th</sup> January 2017 the Monitoring Officer received a Member Code of Conduct complaint from Councillor Strengiel against Councillor Lee, stating that the nature of the complaint related to Councillor Lee's:

- chairing skills;
- fairness in chairing the meeting;
- attempt to embarrass a member in front of external representatives;

- conduct in politicising a Scrutiny Committee.

The Investigating Officer was invited to present her report, during which she provided an outline of the two complaints that had been received. The following points were noted:

- during the process of investigating Councillor Lee's complaint, a subsequent complaint had been submitted by Councillor Strenziel. It had been concluded by the Monitoring Officer and Independent Person that the issues included as part of the subsequent complaint were covered in the investigation report, so there was no need to conduct further interviews with any officers or members;
- three officers and five members had been interviewed as part of the investigation, statements from which were appended to the report;
- following interviews with officers and members as part of the investigation, there was no compelling evidence which described Councillor Strenziel's behaviour during the meeting of the Scrutiny Committee to substantiate the claim that he was being rude or aggressive. It was the Investigating Officer's view, therefore, that there was no breach of the Member Code of Conduct by Councillor Strenziel regarding this aspect of the complaint against him whilst the meeting was taking place;
- in terms of events which took place after the meeting of the Scrutiny Committee, the Investigating Officer felt that the interviews with officers and members had indicated a consistent view that Councillor Strenziel was angry. In addition, Councillor Strenziel had himself described his own behaviour as 'getting cross' and that he was sorry he had behaved like that. The Investigating Officer was confident that Councillor Strenziel did say words along the lines of "take you outside" to Councillor Bob Bushell and perceived this to mean that there was a threatening action. This had followed a heated conversation, further to which the Investigating Officer had considered that Councillor Strenziel failed to treat others with respect, which did constitute a breach of the Member Code of Conduct;
- Councillor Strenziel had apologised to officers, but no apology had been made to other members of the Council. He claimed that an inappropriate political comment of "we're not all in this together" by Councillor Lee at the Scrutiny Committee and the language used by Councillor Bushell at the end of the meeting had led to his behaviour;
- it was clear from the witness statements received that Councillor Lee had interrupted Councillor Strenziel whilst he was speaking at the Community Leadership Scrutiny Committee, but that this was done in an assertive manner rather than shouting, being rude or attempting to embarrass Councillor Strenziel. The interruption sought to clarify whether he was asking a question, since that specific segment of the meeting had been allocated as a question and answer session between the Committee and external representatives. It would appear that Councillors Burke and Bushell were able to make comments at the same stage of the meeting without asking a question, without interruption. The same rules should have applied to all members of the Committee in this respect;
- the comment "we're not all in this together" was made by Councillor Lee, but she had subsequently indicated that she regretted making that comment at the meeting;
- with regard to Councillor Lee's chairing skills, no issues of concern had been identified as part of the investigation in this respect;
- The Investigating Officer considered, in respect of the subsequent complaint made by Councillor Strenziel, that Councillor Lee had not breached the Member Code of Conduct.

The Investigating Officer made a general point that from the interviews she had conducted as part of the investigation there was clearly a tension between Councillors Lee and Strenziel, which had played out in a previous meeting of the Community Leadership Scrutiny Committee in October. This had been picked up by every member interviewed and needed to be addressed in some way in order to move forward.

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It was also noted that the Investigating Officer and Chief Executive had both been surprised at the submission of the initial Code of Conduct complaint since Councillor Lee, in a meeting with the Chief Executive, had indicated that she would not be taking the matter any further and had therefore subsequently changed her mind.

The Sub-Committee was invited to raise any issues or clarify any matters with the Investigating Officer's report. Councillor Hills questioned whether the Investigating Officer was surprised that statements from witnesses appeared to support the member of their respective political groups. The Investigating Officer made the point that comprehensive statements had been provided by two officers as part of the investigation who had been present at the meeting, therefore other parties outside of political groups had contributed to the investigation.

Councillor Lee was invited to respond to the investigation report and call any witnesses she considered necessary. She made the following points to the Sub-Committee:

- two relatively new members had approached Councillor Lee who had been horrified as to what had happened at the meeting of the Scrutiny Committee and they felt that something should be done. Councillor Lee agreed that Councillor Strenziel's behaviour, which she called misogynistic and bullying, was unsatisfactory and that, having reconsidered the issue, felt it was her duty to oppose and highlight his behaviour and show some leadership;
- this was not the first instance where Councillor Strenziel had behaved in such a manner, with other members having received similar verbal threats in the past;
- Councillor Strenziel had been argumentative and rude at a previous meeting of the Community Leadership Scrutiny Committee and purposely referred to her as 'Chairman' when she had requested to be referred to as 'Chair';
- Councillor Lee was not prepared to be bullied and did not think that this was the kind of behaviour that should be exhibited by a member of the Council;
- Councillors Strenziel and Dyer had been talking and whispering during the meeting of the Community Leadership Scrutiny Committee whilst external representatives were addressing the meeting, which she thought was wrong;
- no apology for Councillor Strenziel's behaviour had been received;
- Councillor Lee admitted that she did say the words "we're not all in this together" but accepted that she should not have said such a comment at a Scrutiny Committee meeting and apologised for saying it. She did not believe, however, that this comment equalled the reaction she received from Councillor Strenziel and that her comments did flow on from what the external representatives were saying;
- Councillor Lee had interrupted Councillor Strenziel during the meeting of the Scrutiny Committee as his comments did not appear to be relevant and she had specifically requested that members asked questions of the external representatives. She claimed that the comments were more of a 'rant' which she felt were quite embarrassing, so the interruption was to query whether Councillor Strenziel had a question to ask. Councillors Burke and Bushell were permitted to speak at the same part of the meeting, but their comments were relevant to the subject and did result in a response from the external representatives;
- Councillor Lee had received comments to suggest that she had chaired the meeting well, highlighting that the Committee had also received an award for the work it had previously carried out.

Councillor Lee called Councillor Chris Burke as her witness. Councillor Burke made the following points in addition to the email he had sent to the Monitoring Officer which had been included as part of the investigation report:

- there was tension at the meeting of the Community Leadership Scrutiny Committee;
- the nature of the business of the Committee meant that emotive issues were often discussed and despite being an apolitical body, political matters may arise from time to time. He felt that Councillor Lee dealt with these issues fairly and very well;

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- Councillor Strenziel was already angry when he arrived at the meeting before it commenced;
- he did not believe that Councillor Lee was unfair to Councillor Strenziel during the meeting;
- regarding the comment made by Councillor Lee, he felt that this could be considered as political banter but accepted that it was not acceptable in front of external representatives;
- he felt that Councillor Strenziel's behaviour was bullying and threatening in nature;
- Councillors Strenziel and Dyer were talking to each other over the external representatives at the meeting, which he said was immature, inappropriate and took away from the dignity of the meeting.

The Investigating Officer reflected on Councillor Lee's decision to change her mind regarding the submission of the initial complaint and the approach by two relatively new members who she had claimed were 'horrified' by what had happened. She made the point, however, that these members had not made any approach to contact the Monitoring Officer about the issue. Councillor Lee confirmed that this was the case, but in response made the point that she did not need to justify bringing forward a complaint such as this. She highlighted that they were new members and may not be aware of the procedure to be followed in such circumstances. The Investigating Officer clarified that she was not seeking justification as to the submission of the complaint.

The Investigating Officer asked Councillor Burke whether Councillor Lee's comment, or any comments of a political nature, had any place at a Scrutiny Committee meeting. Councillor Burke accepted that it did not look very good on reflection and that members should maintain the highest possible standards. He added that members should learn from this process and the problems comments and behaviour such as was displayed at the meeting on 22<sup>nd</sup> November 2016 could cause.

The Sub-Committee was invited to raise any questions or clarify any matters with Councillor Lee or Councillor Burke.

Councillor Woolley asked at what stage Councillor Burke had contacted the Monitoring Officer via email and whether this had been as a consequence of having contact with Councillor Lee in respect of the submission of her complaint. Councillor Burke confirmed that his email to the Monitoring Officer had been sent as a consequence of a conversation with Councillor Lee. He was not happy with Councillor Strenziel's behaviour at the meeting but felt it was Councillor Lee's choice as to whether or not she wished to formally complain.

Councillor Hills asked Councillor Lee on how many other occasions she had previously submitted complaints to the Monitoring Officer about other members of the Council. Councillor Lee was unable to clarify this, but confirmed that this was the first time she had appeared in this particular forum. She added that it was her entitlement to report bullying.

Councillor Strenziel was invited to respond to the investigation report and made the following points to the Sub-Committee:

- Councillor Strenziel refuted the accusation of bullying and did not accept that;
- Councillor Strenziel was not proud of the comments he made at the meeting, but in mitigation did not feel that the meeting was chaired in an appropriate manner for a Scrutiny Committee. He emphasised that a Scrutiny Committee should be apolitical and in view of Councillor Lee's "we're not all in this together" comment, did not feel that such comments should be made whatsoever in that particular forum;
- Councillor Strenziel refuted that he was laughing with Councillor Dyer and said that other members of the Committee often talked to each other during meetings;
- Councillor Strenziel personally challenged Councillor Lee regarding her chairing skills, but had waited for the external representatives to leave the room before doing so. He

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- regretted that two officers were in the room at the end of the meeting when he 'lost it a bit'. He had subsequently apologised to the two officers concerned;
- Councillor Lee had not responded to his comments at the end of the meeting, but Councillor Strengiel claimed that Councillor Bushell intervened and 'wound him up', whether intentionally or not. Councillor Strengiel then said something along the lines of "we can continue this outside if you wish" and accepted that this could be perceived either way. Councillor Strengiel explained that he meant for himself and Councillor Bushell to discuss the issue further, away from officers who were still present in the room. He accepted that he was angry and aggrieved by Councillor Bushell's comments, which he regretted, however he claimed that Councillor Bushell continued to 'wind him up' and stated that he was probably more aggrieved by Councillor Bushell's comments than he was by Councillor Lee;
  - he was of the opinion that if Councillor Lee had not have made her political comment during the meeting, the issue would not have built up as it did and that her comment was 'the straw that broke the camel's back';
  - Councillor Strengiel claimed that this was not the first time that he had been cut-off or overlooked at this particular Scrutiny Committee, substantiating his claim of Councillor Lee's poor chairing skills;
  - Councillor Strengiel reiterated his regret at his actions at the meeting and said he would take 'a long, hard look at himself' regarding losing his temper in the future;
  - with regard to his complaint against Councillor Lee, Councillor Strengiel felt obliged to make a counter-complaint since he had understood that the issue would not be taken as far as a formal Member Code of Conduct complaint.

The Investigating Officer with regard to the "continue this outside" comment took into account Councillor Strengiel's explanation as to what he meant, but said that everyone else who had been interviewed as part of the investigation, with the exception of Councillor Dyer, did not see the comment in the same way and saw it as aggressive and threatening. Councillor Strengiel, in response, said that the rest of the members of the committee were probably unaware as to what was happening and that it would have been easier to talk things through with Councillor Bushell as he had intended. He accepted that he was 'wound up' and could understand how people may have perceived his behaviour in a different way, stating that was not what was intended.

The Sub-Committee was invited to raise any questions or clarify any matters with Councillor Strengiel.

Councillor Woolley asked why Councillor Strengiel had waited so long to submit his counter-complaint and whether this had solely been submitted because Councillor Lee had made a complaint against him. Councillor Strengiel said that he was quite happy to let the issue go but, having been told by the Chief Executive that Councillor Lee was not taking the issue any further, felt strongly that he should be able to put his case across and in that sense, in his opinion, was duty bound to submit the counter-claim.

Councillor Hills asked why the comment "we're not all in this together" was so inflammatory. Councillor Strengiel said that this was a deliberate political comment to ridicule David Cameron's famous saying of "we are all in this together", and that it was inflammatory to him. He had already been refused to speak at the meeting when this comment by the Chair was made.

Councillor Ellis was of the opinion that Councillor Strengiel had demonstrated a volatile streak on more than one occasion and had personally witnessed this three times in the past. He found Councillor Strengiel's explanation of inviting Councillor Bushell outside solely to discuss the matter further hard to believe bearing in mind what he had himself witnessed on those previous occasions. Councillor Strengiel accepted that he probably was volatile in nature, but that he could change this in terms of being aware of his behaviour and ensuing that he calmed himself down, especially during political discussions.

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The Sub-Committee called Councillor Bob Bushell as a witness, who made the following points:

- Councillor Bushell was shocked by Councillor Strengiel's behaviour and had decided that if he did not receive an apology by the December Council meeting he would submit a Member Code of Conduct complaint himself;
- he was of the opinion that Councillor Lee was entitled to reflect on what had taken place at the meeting before reaching a decision on whether or not to submit a complaint;
- Councillor Strengiel had not submitted his complaint against Councillor Lee until the end of January and the majority of the issues he had raised in response to her initial complaint actually related to Councillor Bushell;
- Councillor Bushell said that he was only trying to calm Councillor Strengiel down as he could see that he was very angry;
- Councillor Bushell was of the opinion that everyone knew Councillor Strengiel had an aggressive and bullying streak and that the comment to "go outside" came about when he had lost the intellectual argument;
- Councillor Strengiel was not overlooked at the meeting as he was one of the first members to speak, and often was;
- Councillor Bushell felt that members had become a bit desensitised by Councillor Strengiel's behaviour and that people should stand up to bullies. He was personally not prepared to be spoken to in that way and saw Councillor Strengiel's comments as an aggressive threat, which were unacceptable;
- Councillor Bushell was surprised that the email he had sent to the Monitoring Officer regarding this issue had not been treated as a complaint in its own right.

The Investigating Officer confirmed that Councillor Bushell's email to the Monitoring Officer had set out his observations of what had happened and had not instructed the Monitoring Officer to raise the issue as a specific complaint. Councillor Bushell accepted this point but had thought by emailing the Monitoring Officer that it would be dealt with as an independent complaint. He was pleased, however, that his observations had formed part of the investigation.

The Sub-Committee was invited to raise any questions or clarify any matters with Councillor Bushell.

Councillor Woolley was of the opinion that Councillor Bushell's comments to Councillor Strengiel, which he claimed had been made to attempt to calm him down, were deliberately provocative. Councillor Bushell made the point that he did not need to provoke Councillor Strengiel as he was already clearly 'wound up'. He added that he was concerned with Councillor Strengiel's behaviour and actually thought he could have a heart attack.

Councillor Hills agreed with Councillor Woolley that Councillor Bushell enflamed the situation through the comments he made. Councillor Bushell refuted this view and reiterated that he was attempting to calm Councillor Strengiel down.

The Council's Independent Person was invited to address the Sub-Committee and made the following points:

- the complaint involved two main parties from two different political groups, the individuals of whom had a committed disliking of one another;
- it was disappointing that this issue could not have been resolved without having to get to this stage;
- he was also disappointed that members interviewed had overplayed or underplayed certain events that took place, leading him to believe that there was an obvious collusion on both sides;
- the Monitoring Officer/Investigation Officer should be congratulated for the very comprehensive investigation report and associated work she had undertaken;

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- it was interesting that the junior members referred to by Councillor Lee had not submitted any evidence, as he would have expected them to put forward their comments as to what had happened;
- he had concluded that words along the lines of “continue this outside” were used by Councillor Strengiel and that the key question was in what context those words were spoken. He considered that the words and the circumstances in which they were spoken did constitute a breach of the Member Code of Conduct regarding respect;
- he felt that Councillor Strengiel had been goaded, although it was not clear whether this had been done deliberately;
- he had concluded, in respect of Councillor Strengiel’s counter-complaint, that Councillor Lee had not breached the Member Code of Conduct

The meeting adjourned at this stage of proceedings to allow the Sub-Committee to deliberate its decision.

The Hearing Sub-Committee agreed with the Investigating Officer that Councillor Strengiel had failed to comply with the Member Code of Conduct. It concluded that Councillor Strengiel’s behaviour at the end of the meeting of the Community Leadership Scrutiny Committee on 22<sup>nd</sup> November 2016, with regard to his loss of temper and his ‘offering’ Councillor Bob Bushell to “go outside”, did constitute a breach of the Member Code of Conduct in failing to treat others with respect.

The Hearing Sub-Committee directed that the breach of the Member Code of Conduct by Councillor Strengiel should be marked by reporting the Sub-Committee’s findings to the next meeting of the Council. The Sub-Committee also requested that a written apology be sent by Councillor Strengiel to Councillors Lee and Bushell.

The Hearing Sub-Committee agreed with the Investigating Officer that Councillor Lee had not breached the Member Code of Conduct.

In agreeing that Councillor Lee had not breached the Member Code of Conduct, the Sub-Committee noted that there had been a longstanding conflict between Councillors Lee and Strengiel as evidenced at this meeting. This clearly needed to be overcome in the interests of the smooth running of the Council and the Community Leadership Scrutiny Committee in particular.

**Duration of the meeting:** 10.00 am - 12.10 pm