

Carolyn Wheater – Monitoring Officer
Investigation Report

Case reference: kl/es

Report of an investigation under Section 28 (2) of the Localism Act 2011 by Carolyn Wheater, the Monitoring Officer for the City of Lincoln Council, into allegations against Councillor Eddie Strengiel of the same Council

January 2017

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1. **Executive Summary**

- 1.1 Councillor Eddie Strenziel is a member of the City of Lincoln Council Cllr Lee is the chair of the Community Leadership Scrutiny Committee (CLSC) and Cllr Strenziel is a member of the committee.
- 1.2 On the 28th November 2016 I received a telephone call from Cllr Karen Lee stating that she wished to make a complaint under the member code of conduct against Cllr Strenziel with regards his behaviour at the CLSC on the 22nd November 2016. As per the protocol for code of conduct complaints, I informed Cllr Lee that any such complaint needs to be in writing. In that conversation Cllr Lee told me that other members at the committee also had concerns about Cllr Strenziel's behaviour, again I informed Cllr Lee that if that was the case they would also have to contact me directly outlining their concerns. This conversation was followed up by an email from Cllr Lee (appendix 1) on the same date asking that I investigate Cllr Strenziel for breach of the code of conduct. I responded to that email, requesting actual details and evidence of the alleged breach.
- 1.3 On the 29th November 2017, I received a further email from Cllr Lee (appendix 2) setting out why she considered that Cllr Strenziel had breached the member code of conduct. Cllr Lee in that email, stated that Cllr Strenziel's manner towards her was 'rude, bullying and aggressive'. She stated that at the meeting Cllr Strenziel had accused her of poor chairing, and that his behaviour was 'not courteous or civil'.
- 1.4 The email went on to say that in the meeting Cllr Strenziel made a number of comments, which included an invitation to Cllr Bushell to 'go outside.' Cllr Lee also states that during the meeting Cllr Strenziel made what she considered to be a very political comment, and held a loud whispered conversation with Cllr Dyer.
- 1.5 Later on that same day, I received an email from Cllr Chris Burke (appendix 3). This email was in response to an email sent by Cllr Lee to Cllrs Mair, Tweddle, Sue Burke, Chris Burke, Gill Clayton Hewson and Cllr Bushell, informing them that she had contacted me and that I had advised that if they were concerned about the meeting, they should contact me directly.
- 1.6 Cllr Chris Burke's email was to highlight to me his concerns about the meeting and Cllr Strenziel's determination at the end of the meeting to insist Cllr Lee was chairing the meeting unfairly.

Cllr Burke states in his email that he found no evidence of the meeting being chaired unfairly and that he found Cllr Strenziel's approach to be discourteous and aggressive. The email goes on to say that he and Cllr Bushell tried to intervene but that Cllr Strenziel became more aggressive offering to see Cllr Bushell 'outside'

Cllr Burke went on to say whilst Cllr Strenziel is often robust but helpful, that on this occasion he threatened a fellow Cllr, and attempted to bully Cllr Lee.

- 1.7 Cllr Bushell emailed me on the 3rd December 2016 (having been on holiday the previous week) (Appendix 4) to give his observations on the meeting of the 22nd November. He alluded to a tension between Cllr Lee and Cllr Strenziel which he considers as now having a damaging effect on the committee.

Cllr Bushell's email goes on to say that he believes that Cllr Strenziel has a problem with apolitical meetings and that he can be very politically defensive.

He made reference to Cllr Strenziel making inaudible comments to Cllr Dyer during the meeting.

At the end of the meeting, Cllr Bushell's email states that Cllr Strenziel declared that he would see Cllr Lee in the Leader's office with legal, he complained that Cllr Lee and he were too political and that he became increasingly angry.

Cllr Bushell's went on to say in the email that upon asking Cllr Stregiel to calm down, Cllr Strenziel offered to 'take him outside.'

- 1.8 Cllr Lee states that she believes that the behaviour of Cllr Strenziel at CLSC constituted a breach the Member Code of Conduct.

- 1.9 Under the requirements of the Localism Act 2011 and the adopted Local Assessment Criteria, for member complaints, I met with Chris Elkington the Council's Independent Person and it was agreed that the complaint from Cllr Lee did indicate a potential breach of the member code of conduct and that local resolution was not suitable. It was agreed that I would carry out the investigation.

- 1.10 As a result of this investigation, I have concluded that Councillor Strenziel did breach the Member Code of Conduct in that he failed to treat others with respect.

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1. Councillor Strengiel's official details:
 - 1.1 Councillor Strengiel has been on the Council from 1991-1995 and 1998-2017.
 - 1.2 Councillor Strengiel sits on the following committees:
 - Community Leadership Scrutiny Committee
 - Council
 - Ethics & Engagement
 - Planning
 - Select Scrutiny
 - 1.3 Councillor Strengiel gave a written undertaking to observe the Code of Conduct in May 2016.
 - 1.4 Councillor Strengiel has attended various training sessions at the Council over his years as a councillor and in particular undertook training on the Code of Conduct in 2012.

1. Relevant legislation and protocols

1.1 The Council adopted a code of conduct under the Localism Act 2011 in 2012 and this was the code of conduct in place at the time of the complaint (attached as Appendix 7.)

1.2 Paragraph 3.1 of the code states;

“when acting in your role as a member of the authority: do treat others with respect and not bully any person”

2. Evidence and facts

2.1 On receipt of the written complaints from Cllrs Lee, Bushell and Chris Burke, I met with the Independent Person and it was agreed that as Monitoring Officer I would investigate the complaint.

2.2 During the investigation I interviewed, with the Independent Person, Councillors Lee, Bushell, C Burke, Strengiel and Dyer. I also interviewed the Chief Executive, Ben Culling (Democratic Services Officer) Simon Colburn (Assistant Director Health and Environmental Services)

3. Background

3.1 Chief Executive (CX)

3.2 I was on leave the week of the CLSC, and therefore became aware on my return on the 28th November that there had been an issue at the CLSC held the week before.

I therefore interviewed the Chief Executive on the 6th December 2016 as she had made me aware that both Cllr Strengiel and Cllr Lee had contacted her the day after the committee.

3.3 The CX advised me that Cllr Strengiel telephoned her the morning after the committee, informing her that there were issues with the previous evening’s committee. Cllr Strengiel informed the CX that he was livid about the manner in which the meeting was chaired by Cllr Lee in that she brings in people to speak before him, even though he had indicated to speak. His view was the meeting was very political and named both Cllrs Bushell and Burke being political at the meeting.

3.4 Cllr Strengiel told the CX that Cllr Lee cut him off whilst he was trying to speak at the meeting.
He also stated that at the meeting, Cllr Lee made a very political comment, stating “we are not really all in this together”.

- 3.5 Cllr Strengiel went onto to tell the CX that he was however mad with himself, as he did get cross, however he considered that the language used by Cllr Bushell was in fact language used to goad him. He repeated that he was mad with himself for 'losing it' in front of officers.
- 3.6 The CX informed me that she suggested to Cllr Strengiel that he apologised to the officers (Ben Culling – Democratic Services and Simon Colburn – AD Health and Environment), Cllr Strengiel told her that he would do this, and would do this in person rather than email. Cllr Strengiel told the CX in that conversation that all he wanted was fairness in the meetings, but that he considered that Cllr Lee was not a good Chair. The CX did ask whether Cllr Strengiel wanted her to do anything, Cllr Strengiel told her that he just wanted the CX to be aware that he was unhappy.
- 3.7 The CX then advised me that later on that afternoon Cllr Lee went to see her unannounced to speak about the committee. The CX told Cllr Lee that she had already spoken to Cllr Strengiel earlier on in the day about the committee and the fact that he considered that he feels he doesn't get the notice he should, Cllr Lee didn't react to this. During this meeting, Cllr Lee did acknowledge to the CX that she understands about reacting to things in a certain way, and gave the example of her own reaction to ASB behaviour in the West End. The CX suggested to Cllr Lee, that in future that perhaps she could over compensate to Cllr Strengiel to readdress the balance of what may have been going on at the CLSC. Cllr Lee agreed to do this. During the conversation with Cllr Lee, the CX advises that there was no mention of what happened at the end of the meeting with Cllr Strengiel and Cllr Bushell.
- 3.8 Cllr Lee then informed the CX that for her that was the end of the matter. The CX then contacted Cllr Strengiel to inform him that Cllr Lee was going to draw a line under the whole matter and that in future Cllr Lee would make a point to ensure that she was listening to both sides.
- 3.9 CX was keen to point out to me that Cllr Lee was incredibly calm and relaxed when she left the meeting with her, she was therefore very surprised that after this Cllr Lee made a formal code of conduct complaint.

4.0 **Officers**

- 4.1 I then interviewed Ben Culling (Democratic Services Officer) to get his view as the officer serving that committee.

By way of background the Committee was considering the review of suicide rates in the city. There were four external witnesses due to present at the meeting these were

- *Health Support Manager, Humberside, Lincolnshire and North Yorkshire Community Rehabilitation Company*
- *Medical Director, Lincolnshire Partnership Foundation Trust*
- *Head of Commissioning Mental Health, NHS Southwest Clinical Commissioning Group*
- *Researcher into Self Harm and Suicide Prevention*

- 4.2 Ben told me that at the beginning of the meeting Cllr Lee was very clear, that as there were a number of people due to speak that members should restrict themselves to questions only, for the external witnesses. No one from the committee objected to this. Ben went on to say that when Cllr Strengiel spoke, he did go ‘the long way round’ to get to what he was saying and that Cllr Lee did interrupt him, to ask him the point he was making and what was his question.
- 4.3 Ben advises that Cllr Strengiel did then ask his question, but that he was sniggering with Cllr Dyer, Ben thought that this behaviour was unprofessional. Ben did say at this point Cllr Strengiel was not rude, and that Cllr Lee was being assertive. He describes them as “butting heads.”
- 4.4 In relation to whether Ben considered that there was any bias shown in favour of Cllr Lee’s own party, Ben told me that he could see no evidence of this, however Cllrs Burke and Bushell may have not specifically have asked questions.
- 4.5 On then being asked what happened at the end of the meeting. Ben stated that at the close of the meeting (when all external representatives had left) Cllr Strengiel immediately stood up and said something along the lines of “you are outrageous, letting all your members speak”. He said this to Cllr Lee who remained relatively calm, however Ben told me he was shocked by the outburst.
- 4.6 Ben then went on to say that Cllr Strengiel then accused Cllr Lee of bias, as she would not let the Conservatives speak at the meeting. From Ben’s recollection, Cllr Bushell then stepped in telling Cllr Strengiel that he was out of line. Cllr Lee was still not responding, but at this point Cllr Strengiel was shouting.
- 4.7 Both Cllrs Strengiel and Bushell were now standing up towards the end of the committee table and were shouting across the table. When being asked further to describe what happened, Ben said that in his view both Cllrs said things that they should not have said.
- 4.8 Ben went on to say that at the beginning of this episode that Cllr Bushell was genuinely trying to defuse the situation. However he considers that the words that Cllr Bushell used towards Cllr Strengiel, were words which would not do that. Ben went on to say that the situation was quite surreal, in that Cllrs Bushell and Strengiel were

shouting at each other, Cllr Lee was remaining quiet and other Cllrs still in the room were holding separate conversations with each other.

- 4.9 Ben advises, that at that point Cllr Lee told Cllr Strenziel that he shouldn't speak like that in front of officers, to which Cllr Strenziel responded that the officers were big enough to look after themselves.
- 4.10 Ben told me that, the day after the committee Cllr Lee went into democratic services and advised him that she had spoken to the CX and that she was going to leave the matter.
- 4.11 Ben also indicated that he was therefore surprised that a complaint was subsequently raised.
- 4.12 In summary to this interview I asked Ben whether he considered that Cllr Strenziel was antagonised in anyway by the other Cllrs, to which Ben replied that he didn't believe so and that Cllr Strenziel just seemed to wind himself up.
- 4.13 Ben advised that he got an email from Cllr Strenziel on the 23rd November, in which Cllr Strenziel said he was sorry that Ben had to hear the altercation at committee, and that he was sorry if that had offended him (Appendix 4.)
- 4.14 The other officer present at the CLSC meeting was Simon Colburn (AD – Health and Environment). Simon had actually written a file note of what happened at the committee the day after. The file note is attached as Appendix 5.
The note taken by Simon is very comprehensive and clearly sets out what seems to be the sequence events at the committee.
- 4.15 As can be seen by the note Cllr Strenziel stated, at the end of the meeting, that he would see Cllr Lee with the Leader, that he was not happy with the way that the meeting had been chaired and that his voice became increasingly elevated.
He made references to Cllr Lee's comment that "we are not all in this together" and that the external guests were chuckling at this comment. Simon stated that Cllr Strenziel made reference to the fact that this was not the first time that he had been cut off, or ignored by Cllr Lee and that this had also happened at the last meeting.
- 4.16 Simon then goes on to explain what happened at the end of the meeting, in which Cllr Lee stated that she would welcome a meeting with the Leader, to which Cllr Bushell stated that he would also like to be involved in any meeting. Cllr Bushell then said to Cllr Strenziel that these meetings were meant to be apolitical, Cllr Strenziel did respond to this, meaning that both Cllrs were talking at the same time. The note does state that Cllr Strenziel was walking towards the door at this time with Cllr Dyer, however Cllr Strenziel was using an increasingly raised voice.

- 4.17 Simon states that Cllr Bushell then said to Cllr Strenziel words along the lines of “calm down Eddie you’ll give yourself a heart attack”, Cllr Strenziel responded by saying “I’m perfectly fine, thank you, I’m strong enough and can prove it to you if you like.”
- 4.18 The note also goes on to say, as an aside, that during the meeting it appeared that Cllrs Strenziel and Dyer were whispering to each other whilst the first speaker was talking and appeared to laugh at one point.
- 4.19 I interviewed Simon to see whether he had anything further to add to the note he made, and to ask some specific questions arising from the note.
- 4.20 Firstly I asked why Simon felt he should write the note the day after the committee, to which he said that he knew that him and Ben would be speaking to me on this matter.
- 4.21 References had been made by Cllr Strenziel to previous examples of Cllr Lee’s behaviour. As Simon had been on this previous committee, I asked what was meant by this. Simon stated that at the last meeting of the CLSC, this took the form of two workshops, Simon was on the same table as Cllr Lee with a speaker Cllr Bushell was on the other table. Cllr Strenziel made a comment, to which Cllr Lee asked that he wait until the previous speaker had finished, Simon said that Cllr Strenziel was snappy with her. Simon says that there clearly is a tension between the two Cllrs and that in front of external speakers this was unprofessional, he considered that Cllr Strenziel was snappy and curt and that the whole thing could have been dealt with in a better way.
- 4.22 With regards the meeting on the 22nd November, Simon said he thought that Cllr Lee chaired the meeting quite well and it was clear that she asked members to limit themselves to questions only.
- 4.23 When Cllr Strenziel spoke after the first external speaker has spoken, Simon stated that it got quite political. Cllr Strenziel’s comment was around prisons being too soft, Simon said that Cllr Lee did then cut him off, but that in doing so she was firm but calm. Simon then said at that point Cllr Strenziel was chuckling and whispering to Cllr Dyer, this was whilst an external speaker was taking which Simon considered to be most unprofessional.
- 4.24 On asking Simon to elaborate on what happened at the end of the meeting, he told me that he took the external speakers out and. At the close of the meeting, Cllr Strenziel did say to Cllrs Lee and Bushell that he would see them with the Leader. He repeated that Cllr Strenziel wasn’t shouting to begin with, but that he was clearly wound up. Simon says he would have described him as calm but angry,

however he was clearly annoyed.

- 4.25 Simon went on to say that when Cllr Bushell intervened, he was trying to calm him down, though Simon states he may in fact have wound him up, at that point Cllr Strengiel became very loud and was shouting. Simon then went on to say that he didn't consider Cllr Strengiel's behaviour to be acceptable and that it wasn't acceptable for two people to speak to each other like that.
- 4.26 I then asked whether Simon has received an apology from Cllr Strengiel to which he stated that he was aware that Cllr Strengiel had tried to contact him by phone but that he was out of the office (Cllr Strengiel has since apologised to Simon in person)
- 4.27 In summary, Simon said that as chair of CLSC he considers that Cllr Lee has matured, that she didn't rise to comments and was doing a good job. He concluded that the only 'red mark' against Cllr Lee was the comment she made during the meeting of "it doesn't feel like we are all in it together does it?"

5. Interview with Cllr Lee

- 5.1 At the beginning of the interview with Cllr Lee I asked her which elements of the code of conduct she considered had been breached by Cllr Strengiel. Cllr Lee advised that whilst she wasn't familiar with the whole of the code, she believed that it makes reference to treating everyone with respect and this applied to everyone.
- 5.2 I then asked Cllr Lee for her to elaborate on why she considers that there had been a breach. Cllr Lee indicated that the whole incident actually started at the previous meeting of the CLSC. At that meeting which took the form of workshops, Cllr Mair was speaking and Cllr Strengiel chipped in, Cllr Lee says she asked Cllr Strengiel to wait. She said that Cllr Strengiel seemed to take umbrage at this and responded along the lines of "I might as well not be here" and that this comment was made in front of external witnesses.
- 5.3 In describing how Cllr Lee believes she chairs the meetings of the CLSC, she says that she tries to be fair. However Cllr Strengiel is always challenging, and gives the example of his insistence of calling her Chairman when she is clear that she wants to be referred to as Chair.
- 5.4 Cllr Lee states that at the beginning of the meeting, as there were four external scrutiny witnesses, she requested that members just limit themselves to asking questions, rather than comments and that any comments would be taken at the end of the meeting. Cllr Lee held that she was clear that this applied to everyone.

- 5.5 Half way through the meeting, Cllr Lee said that Cllr Strengiel made a random comment, she couldn't recall what the comment was about, however Cllr Lee did say she intervened and asked Cllr Strengiel to ask a question, Cllr Lee admits she did cut Cllr Strengiel short.
- 5.6 Cllr Lee went on to say that during the meeting, both Cllr Strengiel and Cllr Dyer were very rude in that they were whispering to each other, she says she didn't want to address this as she considers that if she did make a comment on this, it would have inflamed the situation. Cllr Lee was clear in her mind that at the meeting, she didn't get cross, she wasn't stroppy with Cllr Strengiel nor was she bossy. She went on to say, if anything, she perhaps didn't chair the meeting firmly enough. She repeated that Cllr Dyer and Cllr Strengiel were however whispering to each other and she considered this to be unprofessional in front of external representatives.
- 5.7 On being specifically asked how Cllr Strengiel was rude and aggressive as per the language in Cllr Lee's complaint email, she responded that this was linked to the rambling statement he made at the committee, Cllr Lee said that this was rude and aggressive, though clarified that this was not in fact bullying.
- 5.8 On querying whether Cllr Lee considered that as Chair of the meeting, there was any aspect of how she did this, which may have been an issue, Cllr Lee denied this was the case, that she chaired the meeting fairly, but that the only mark against her was her comment, "we are not all in this together."
- 5.9 On describing what happened at the end of the meeting, Cllr Lee said that she was frightened as Cllr Strengiel "went for it", Cllr Lee said that the new Cllrs on that committee were horrified by this. Cllr Lee went on to describe Cllr Strengiel's tone as rude, bullying and aggressive. She was mortified by this behaviour and didn't respond, that she felt embarrassed and intimidated by Cllr Strengiel's behaviour.
- 5.10 Cllr Strengiel told Cllr Lee that he intended to speak to the Monitoring Officer as he considered that Cllr Lee as chair of the committee was biased and political. Cllr Lee then says that at this point Cllr Bushell intervened, Cllr Strengiel was shouting again making accusations of bias and that at the committee he wasn't given the opportunity to speak, Cllr Lee says that Cllr Strengiel's colour was rising and he said to Cllr Bushell that they "would go outside to settle it." Cllr Lee stated that this was not the first time that Cllr Strengiel had 'invited someone outside,'

- 5.11 Cllr Lee held that Cllr Bushell was trying to calm things down, he told Cllr Strenziel that if he wasn't careful he would have a heart attack. Cllr Lee stated that she didn't want to get involved and therefore didn't respond as she thought that this would inflame the situation. Cllr Lee stated that Cllr Bushell was quite defensive of her being bullied and was therefore responding on her behalf.
- 5.12 In summary, Cllr Lee stated that it was totally unacceptable for a Cllr to say "go outside" to sort things out. She held that Cllr Strenziel could have addressed this in a much more reasonable way by asking to have a private word, however he choose not to do it that way and was rude, bullying and aggressive .
- 5.13 On asking what happened the day after the meeting, Cllr Lee told me that she did go in and see the CX, though she didn't go into City Hall specially for this, she also said she did think that Cllr Strenziel would have contacted the CX on the matter. Cllr Lee agreed that her initial reaction was not to take the matter further, however that she changed her mind as the new members on the committee were horrified by the behaviour. Cllr Lee said that she believes that she has a duty to junior members, but that she also agreed with them that Cllr Strenziel's behaviour should not be allowed.

6.0 Interview with Cllr Strenziel

- 6.1 Before the interview commenced with Cllr Stregiel, he asked me to clarify what the terms of reference were for the CLSC and to clarify that the meetings should not be political.
- 6.2 On being asked to describe what happened at the meeting on the 22nd November, Cllr Strenziel also referred to the meeting before which was a workshop session. Cllr Strenziel said that Cllr Lee was in his group, that he indicated to speak, Cllr Lee acknowledged this, but in fact went round the table and let others speak before him, when she did get to him, he said he made a sarcastic comment along the lines of "oh you want me to speak now!"
- 6.3 On the night of the actual meeting, Cllr Strenziel said that he made a comment about suicide rates in prison, Cllr Strenziel described himself as not "wishy washy" and was making a point that 200 years ago prisoners were chained to the walls. He said however that he didn't get to his question to the external witness as Cllr Lee shouted him down, he felt that she was putting him in his place and that this was embarrassing for him in front on the external witnesses.
- 6.4 Cllr Strenziel went on to say that just before the end of the committee, Cllr Bushell made a comment about the health service, however he did not ask a question and Cllr Lee did not interrupt him. Cllr Burke then did the same and didn't ask his question first, however again he

wasn't interrupted by Cllr Lee.

- 6.5 Cllr Stengiel acknowledged that at this point he could feel his blood pressure rising, and that at the end of the meeting Cllr Lee made a political quote saying "we are not all in this together", Cllr Stengiel considered that this political quote was aimed at his party, Cllr Stengiel stated that he took this personally, and that the reaction to the comment was that all the external people laughed.
- 6.6 I asked Cllr Stengiel whether during the meeting he was whispering and laughing with Cllr Dyer, Cllr Stengiel advised that he can remember whispering but not laughing.
- 6.7 At the close of the meeting Cllr Stengiel told me that he informed Cllr Lee that she needed some lessons in chairing a meeting, Cllr Lee didn't respond to this, however Cllr Bushell did respond. Cllr Stengiel told them that the committee was very political and that it should be chaired in the way that Performance Scrutiny was chaired in that that Chair was not afraid to 'have a go' at this own side and that he allowed all comments relevant to scrutiny .
- 6.8 Cllr Stengiel describes his behaviour as calm, and that he wasn't shouting. He went on to say that Cllr Bushell shouted to him "look at your face, you are going to have a heart attack". Cllr Stengiel told me that his colour does rise, however that despite what Cllr Bushell said he was not likely to have a heart attack, however he described Cllr Bushell's comments to him as "like a red rag to a bull". Cllr Stengiel went on the say that he told Cllr Bushell that if he continued to have a go at him that they should 'take this outside the room'. On asked what he meant by this, Cllr Stengiel told me that he didn't mean anything by it, that this wasn't a threat.
- 6.9 Cllr Stengiel went on to say that his only regret was saying it all in front of officers, and that he had apologised to Ben and tried to apologise to Simon.
He told me that he does get frustrated and repeated the phrase that "he loses his rag", however he wished me to understand the circumstances that led him to feeling that way, and this was because he considers that the meeting was not chaired in a non-political manner.
- 6.10 On being asked to describe Cllr Bushell's behaviour, Cllr Stengiel said that Cllr Bushell may have thought that he as trying to calm everyone down, but that he would describe his behaviour as passive aggressive.
- 6.11 In summary Cllr Stengiel repeated that he was sorry that he was like this in front of of officers, that he in fact sees that the CLSC committee has undertaken a lot of positive meetings with positive outcomes and gave the scrutiny of loan sharks as an example.; However he did

repeat that the only thing he has against Cllr Lee is the way she chairs the meeting. Whilst Cllr Dyer and he may not have been laughing during the meeting they may have looked at each other and raised their eyebrows at each other during the political comments.

- 6.12 Cllr Strenziel said he was not proud of his behaviour and that maybe he did overreact and he should have waited until the officers had left the room.

He repeated however that he thought that the meeting had been chaired in an inappropriate way, he should have been allowed to speak, that Cllr Lee should not have shouted at him and she should not have made the political comment about all being in it together.

Cllr Strenziel ended the interview by saying that he had no intention of being offensive, it was just the way the circumstances took him.

7.0 Interview with Cllr Bushell

- 7.1 Cllr Bushell started the interview by clarifying that whilst his original email referred to potentially making things up with Cllr Strenziel, he now considers due to the severity of the incident and the amount of time that has elapsed since the incident with no apology being forthcoming, he would not accept an apology.

- 7.2 Cllr Bushell refers in his email to a tension between Cllrs Lee and Cllr Bushell and I asked to elaborate on that. Cllr Bushell said that the tension has been evident for a while and that Cllr Lee feels quite intimidated by it. Cllr Bushell says it is clear that Cllr Strenziel doesn't like Cllr Lee, that whilst he is entitled to those feelings he should not make them obvious. He says that Cllr Strenziel does seem to take offence at everything that Cllr Lee says.

- 7.3 Cllr Bushell states that this tension between the two Cllrs has been building up, however that you do get used to Cllr Strenziel being the first to comment at the meeting and to make embarrassing, ill-informed comments.

- 7.4 Cllr Bushell said that Cllr Strenziel spoke first at the meeting and made a highly embarrassing comment after the witness from the probation service had spoken. The witness had spoken about the vulnerability of people after they had left prison as they often found themselves left with no support. The external witness went on to say that whilst they didn't want to make a political statement, that from April 2017 their funding would be cut. Cllr Strenziel's comment to him was that 200 years ago we shackled prisoners to cell walls and inferred that we were being too soft with prisoners. Cllr Bushell said he was cringing at that statement and hoped that the external representative didn't think that all Cllrs were all of that opinion.

- 7.5 Cllr Bushell considered that Cllr Strengiel was in a defensive mode and was clearly making the point that he had taken exception to the funding comment.
- 7.6 When Cllr Strengiel was speaking, Cllr Bushell acknowledged that Cllr Lee cut him off asking 'was there a question', he says she was persistent and assertive in doing this, but she was not aggressive. Cllr Bushell said Cllr Strengiel was clearly unhappy at this point.
- 7.7 On specifically being asked whether there was any unfairness in the chairing of the meeting, Cllr Bushell responded that Cllr Strengiel had clearly been told to ask a question and to not make a prolonged statement. He went on to say that the Chair does have to control the meeting, but that Cllr Strengiel is a law unto himself.
- 7.8 Cllr Bushell stated that he does have some sympathy for Cllr Lee in these meetings, as it was like they were walking on egg shells with Cllr Strengiel being on the committee, Cllr Bushell said that he didn't see how this could be resolved amicably.
Cllr Bushell described Cllr Lee's manner at that point in the meeting as being assertive, and that she wasn't rude.
Cllr Bushell said after that incident, Cllr Strengiel didn't say anything though he did mutter to Cllr Dyer and was sniggering whilst the external witnesses were at the meeting.
- 7.9 I then asked Cllr Bushell about the assertion that the meeting was becoming a political meeting, Cllr Bushell responded that pretty much everything that the committee considers has a potential solution which is political whichever party is in control.
He said the challenge for the committee is how they work with external agencies to mitigate those political issues without becoming partisan. Cllr Bushell went on to say that he considers that Cllr Strengiel comes to those meetings in a defensive mode that he is on the attack and that that attack is from a political angle.
- 7.10 Cllr Bushell says he acknowledges that Cllr Lee can also be forthright and passionate in her political views at Full Council, however she does not express these at the scrutiny meetings.
- 7.11 I asked Cllr Bushell on the point made by Cllr Strengiel that there was an unfairness as Cllr Bushell was allowed to comment and not ask a question, Cllr Bushell acknowledged that this was the case however that his mitigation was that he was making a factual point, based on his professional background.
- 7.12 On asking what happened after the meeting closed, Cllr Bushell said that Cllr Strengiel got up out of his chair, pointed to Cllr Lee and said quite loudly for all the committee to hear, I will see you in the Leader's office with legal. Cllr Lee asked what he meant by this and responded by saying she was too political. Cllr Bushell said Cllr Strengiel

appeared quite angry, that he indicated as vice chair that he would like to be involved in any such meeting, Cllr Strengiel then accused him of being too political as well.

7.13 Cllr Bushell then said that he disputed this and asked Cllr Strengiel to sit down and talk about it, Cllr Bushell says that his behaviour was calm, however Cllr Strengiel refused to sit down and became increasingly agitated and vocal. Cllr Bushell said he was very surprised by the reaction displayed by Cllr Strengiel and felt that he was clearly looking to escalate the argument.

7.14 Cllr Bushell said that he was used to dealing with emotional situations because of his job, however whatever he said to Cllr Strengiel seemed to ratchet things up, that Cllr Strengiel was clearly frustrated and wanted someone to vent this on. Cllr Bushell says that he did say to Cllr Strengiel 'to calm down you will have a heart attack', and that if he continued in that manner he would hurt himself. Cllr Bushell said that he was genuinely concerned for Cllr Strengiel's wellbeing as he appeared to be getting increasingly angry and out of control. Cllr Bushell also told Cllr Strengiel that he was embarrassing himself in front of his peers.

7.15 Cllr Bushell then stated that Cllr Strengiel's response to this was to say "come on outside", when I asked what he thought Cllr Strengiel meant by this, he said he took this to mean "fisticuffs". Cllr Bushell went on to say that there was no doubt what Cllr Strengiel meant and he was amazed that he has said that.

7.16 I asked Cllr Bushell whether the language he used may have in fact goaded Cllr Strengiel. Cllr Bushell questioned why he would do this, that he was genuinely concerned about his wellbeing. He said that Cllr Strengiel could have sat down like a reasonable human being and discussed this issue, instead he choose to bully intimidate and threaten physical violence.

7.17 In summary Cllr Bushell describes his own behaviour as calm throughout the whole incident and his intention was to calm Cllr Strengiel down.
He stated that he stands by his comments that Cllr Strengiel's behaviour was aggressive, threatening and bullying and that he was trying to intimidate others.

8.0 Interview with Cllr Chris Burke

8.1 On briefly asking Cllr Burke's view on what happened during the meeting, Cllr Burke stated that there was a tension throughout the meeting, he thought that Cllr Strengiel may have come to the meeting in an irritable mood.

Cllr Burke said he thought that Cllr Lee chaired the meeting fairly, and that if there had been an allegation that the meeting was chaired unfairly he would say there was no merit in that allegation.

8.2 At the end of the meeting, Cllr Burke said that Cllr Strenziel “exploded”, that he berated Cllr Lee for unfair treatment. Cllr Burke said that he tried to intervene and say he was out of order but Cllr Strenziel said he didn’t want to hear from him.

8.3 Cllr Burke then said Cllr Bushell got involved, and that Cllr Strenziel offered to take Cllr Bushell outside, Cllr Burke said he took this to mean a threat.

8.4 Cllr Burke described Cllr Strenziel’s behaviour as angry, that he wasn’t thinking straight. He says Cllr Strenziel was waving his arms about, and that his language was loud and aggressive. Cllr Burke said that Cllr Strenziel was very much on the attack and the threat of violence really bothered him.

8.5 I asked Cllr Burke whether he thought the meeting was political, he stated that the meetings are not normally political but the very nature of that scrutiny committee is that there is an argument that these are political subjects.

9.0 Interview with Cllr Dyer

9.1 On asking Cllr Dyer his views on what happened at the committee, he stated that it is a controversial committee, and that Cllr Lee does have a political bias.

9.2 On the meeting itself Cllr Dyer stated that, Cllr Strenziel indicated that he wanted to speak several times, but that Cllr Lee went to others first. He went on to say that at the end of the meeting (though clarified it could have been during the meeting) that Cllr Lee said “we are not all in this together”.

9.3 Cllr Dyer says he recalled that Cllr Strenziel spoke two or three times at the meeting. On the first occasion Cllr Strenziel was speaking about prisons, Cllr Dyer describes his comment as “Eddie being Eddie”. Cllr Dyer said that Cllr Lee wouldn’t let him finish and interrupted him. Cllr Dyer stated that Cllr Lee didn’t interrupt others, and that she does have a certain way of chairing the meeting.

9.4 Cllr Dyer went on to say that Cllr Burke was allowed to make a comment before he put his question.

9.5 I put to Cllr Dyer the allegation made by others that him and Cllr Strenziel were whispering, sniggering and laughing during the meeting, Cllr Dyer said that during the meeting he and Cllr Strenziel commented to each other on Cllr Lee’s poor chairmanship, and that

he was discreetly laughing, however Cllr Strengiel did not laugh,

- 9.6 On describing what happened at the end of the meeting, Cllr Dyer states that Cllr Strengiel got up to put his coat on and told Cllr Lee that he was taking the matter to standards, due to how the meeting had been chaired. Cllr Lee didn't comment, but Cllr Bushell did. Cllr Dyer describes Cllr Bushell's behaviour as egging Cllr Strengiel on, that he was winding him up to get a reaction. Cllr Dyer said they were walking towards the door at this point, when Cllr Bushell stood up and said 'you need to be careful you will give yourself a heart attack' Cllr Strengiel then shouted back at Cllr Bushell.
- 9.7 Cllr Dyer stated that he considered Cllr Bushell's behaviour as intellectually demeaning, he was shouting the comment about the heart attack and his tone was aggressive. Cllr Dyer said Cllr Strengiel was calm.
- 9.8 On being specifically asked about the comment to 'go outside' Cllr Dyer said he could understand this reaction by Cllr Strengiel and then commented that what he meant by this was that Cllr Strengiel wanted to speak to Cllr Bushell in private.
- 9.9 Cllr Dyer's view is that if Cllr Bushell hadn't been in the room, Cllr Lee would have just left the matter.
- 9.10 In summary Cllr Dyer stated that Cllr Lee was very, very political with her questions and remarks. She did stop Cllr Strengiel speaking on several occasions but that she does not stop the labour Cllrs.
- 10.0 Clarification with Ben Culling
- 10.1 I re-interviewed Ben to see if his minutes of the committee indicated that Cllr Strengiel had spoken more than once. Whilst the minutes were not that specific, Ben's recollection was that Cllr Strengiel spoke on one occasion only.

11. Member Code of Conduct

- 11.1 As outlined earlier in the report, the code of conduct states:

“when acting in your role as a member of the authority: do treat others with respect and not bully any person”

- 11.2 Guidance from the former Standards for England states that; 'ideas and policies can be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers.'

11.3 The guidance goes on to state that for a member, if any criticism is a personal attack or of an offensive nature, it is likely to cross the line of what is acceptable behaviour.

12. Why, and to what extent do I think the code has been breached.

12.1 For the purpose of the investigation I have broken down the complaint and any counter allegations into what happened during the meeting and what happened at the close of the meeting.

During the Meeting

1 In Cllr Lee's email to me of the 29th November and in her interview, she states that her description of Cllr Strengiel during the meeting as being "rude and aggressive" related to the comment that Cllr Strengiel made about how prisoners were treated 200 years ago.

Apart from Cllr Bushell however, no other witness who I interviewed have specifically described Cllr Strengiel's comment in that way. With reference to Cllr Strengiel's comment, Ben says that Cllr Strengiel went the 'long way round' before asking his question and Simon simply says at this point the meeting got quite political. Neither Officer commented that Cllr Strengiel was rude or aggressive in making his comment.

Cllr Bushell did specifically make reference to Cllr Strengiel's comment describing this as "highly embarrassing" yet does not go on to use similar language to that used by Cllr Lee.

Whilst therefore not commenting on what Cllr Strengiel said, I do not think that the manner in which he said it was rude and aggressive and therefore do not think that the code of conduct has been breached by Cllr Strengiel in relation to that particular issue.

2 Cllr Strengiel in turn has stated that Cllr Lee interrupted him whilst he was making this comment, and asked him for a question. All witnesses agree that this did in fact happen, however I can find no evidence that Cllr Lee, as alleged by Cllr Strengiel, shouted him down at this point, it would seem that Cllr Lee was firm and assertive in her response.

3 All witnesses have made a comment on the behaviour of Cllrs Strengiel and Cllr Dyer during the meeting, where they appeared to be whispering and perhaps laughing after or during an external witness speaking.

Cllr Strengiel and Cllr Dyer, both say they were whispering, but that only Cllr Dyer was laughing.

Whilst this does not specifically form the main part of this code of conduct complaint, as Monitoring Officer, I would wish to flag up that I consider that two Cllrs behaving in this way in front of external representatives, who this Council has specifically invited to attend and speak, to be very unprofessional.

4 With regards the allegations made by Cllr Strengiel and Cllr Dyer that Cllr Lee was biased to her own members in the committee; was acting in a political manner; chaired the meeting unfairly and made a political comment.

(i) Firstly, it is clear from all witnesses that Cllr Lee did say, in front of the external representatives the comment, “that we are not all in this together are we?”

Cllr Lee admits that she did say this and regrets saying that. I agree that this can clearly be interpreted as a political comment and that Cllr Lee should not have said this during a scrutiny committee and certainly not in front of external people.

(ii) With regards the allegation that Cllr Lee was biased towards her members. Cllr Dyer has indicated that Cllr Strengiel tried to speak at several points during the meeting, but that Cllr Lee allowed others to speak first. No other witness made reference to the fact that Cllr Strengiel tried to speak again at the committee, I therefore discount this particular allegation.

(iii) With regards to the fact that Cllr Bushell and Cllr Burke were seemingly allowed to comment rather than ask a question (or have a lengthy comment before a question) and were not stopped in a similar manner to Cllr Strengiel. There does seem to be some merit in this assertion which could have been seen as an unfairness. I note that Cllr Bushell states that his comments were factually based, because of his professional background, however this distinction was not made clear at the beginning of the meeting and I therefore consider it was incorrect not to apply the ‘question rule’ to everyone.

(iv) With regards to the chairing of the meeting, on being asked, both officers have stated that they thought that Cllr Lee chaired the meeting well, that it was correct for Cllr Lee to ask for questions and that they saw no evidence of bias.

In summary, with regards the events during the meeting, whilst clearly some issues have been identified, I do not think that Cllr Strengiel’s behaviour breached the member code of conduct.

After the Meeting

1 After the meeting closed, all witnesses agree that Cllr Strengiel immediately informed Cllr Lee and then Cllr Bushell that he would see them either with the Leader, or Legal or Monitoring Officer as he

considered that the meeting was chaired unfairly and that these Cllrs were political. It is clear that Cllr Lee didn't respond at this point and that Cllr Bushell did.

2 Cllr Strengiel's behaviour and manner at this point has been variously described as; 'shouting, clearly wound up, angry, very loud, rude and aggressive'. Cllr Strengiel in addition has admitted that he 'lost his rag', that he did get cross, and that he was sorry that he had behaved like that in front of officers. Cllr Strengiel stated that he wasn't proud of his behaviour and that perhaps he did overreact.

3 It is also clear from my interview of all witnesses, that during this altercation Cllr Strengiel did offer Cllr Bushell "to go outside" (or words to that effect). This was in response to Cllr Bushell telling Cllr Strengiel to calm down as he would have a heart attack.

Despite Cllr Strengiel and Cllr Dyer saying the interpretation of this was to go outside and talk about the matter in private, it is very clear to me that this was not the intention of those words. It seems a clear interpretation of these words as being a threat of violence (whether intended to be carried out or not) and I agree with Cllr Bushell's interpretation of this.

I therefore consider Cllr Strengiel behaviour at the end of the committee, with regards his accusations and loss of temper and his 'offering' Cllr Bushell to "go outside" does breach the member code of conduct in failing to treat others with respect.

13. Potential Mitigation

- 13.1 It is acknowledged that on the 23rd November, Cllr Strengiel apologised to Ben Culling and tried to contact Simon Colburn, for them having to listen to the altercation at the committee. (Cllr Strengiel apologised to Simon Colburn on the 3rd January 2017).
- 13.2 Cllr Strengiel during his interview, did summarise by saying that he wished me to understand why he ended up feeling the way that he did. From interviewing the members and officers, it is clear that Cllr Lee's comment saying "we are not all in this together" was inappropriate and I have some understanding that this may have aggrieved Cllr Strengiel.
- 13.3 In addition, whilst I am not agreeing that at this committee Cllr Lee was politically biased, if it was the case that Cllrs Bushell and Burke were allowed to comment and not ask a specific question, then this does seem to me to be unfair.
- 13.4 With regards Cllr Strengiel's shouting and accusations of bias at the end of the meeting, as I have not seen any evidence of this, I do not necessarily see any mitigating factors towards this behaviour.

- 13.5 Concerning the actual comment by Cllr Stengiel to Cllr Bushell to “see him outside”. Both officers and Cllr Dyer have indicated, that it was apparent that however well-intentioned Cllr Bushell was in trying to calm the situation down, using language such as “you will have a heart attack” merely served to make Cllr Stengiel’s behaviour worse. Indeed Cllr Lee in her interview states that Cllr Bushell was “quite defensive on her behalf.” Whilst Cllr Bushell describes his behaviour as being calm throughout, others have indicated that both Cllrs were shouting at each other.
- 13.6 I am bound to say in summary also, that I add to the comments made by the Chief Executive that there is some surprise as to why Cllr Lee changed her mind about reporting this breach of the code of conduct. Cllr Lee told me that she was encouraged to change her mind from other Cllrs including the new Cllrs and that she feels that she has a duty to these junior Cllrs. However, whilst appreciating the very real difficulty in getting involved in a code of conduct issues whilst just been appointed, I have heard nothing on this matter from those Cllrs.