

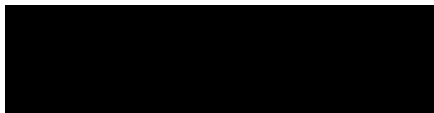


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Your contact for this matter is:

Our ref. KJC/AR.Cllr JC (Corp/LGR/25 (G) (AL))
Your ref. LGS/2012/0509



14 August 2012




First Tier Tribunal
(Local Government Standards in England)
4th Floor
City Exchange
11 Albion Street
Leeds
LS1 5ES

VIA E-MAIL

Dear 

Application for permission to appeal by Councillor Copeland against the decision of West Lindsey District Council Standards Committee

I write in response to your letter dated 17 July 2012, addressed to  regarding the above matter.

I confirm that the Standards Committee seeks to contest the Appellant's Case, on which the grounds are set out below:

- 1) The Standards Committee were, and are of the view, that the Councillor's e-mails were written in an official capacity. In light of the evidence gained by the Investigating Officer (IO) and having reviewed copies of a number of those e-mails concerned, the IO concluded that the Code of Conduct had been engaged and breached; this finding was accepted by the Standards Committee. This matter is dealt with in Paragraphs 26 – 34 of the IOs report (enclosed) in which he sets out the context and reasoning for his findings. The said e-mails are appended thereto.

Arguably, limited reasoning was included within the Decision Notice, as when read in conjunction with the IOs report, it was considered self explanatory.

- 2) In relation to alleged references to bribery and corruption, whilst the Standards Committee accepted that comments Mr Copeland made on his blog were in his personal capacity, there was a view that the comments made at the meeting, when taking into consideration the comments made on his blog, had an undercurrent of similar insinuations and accusations. Furthermore the Complainants clearly regarded and voiced to the Hearing the way Councillor Copeland's comments had been relayed and perceived by them and, again arguably, by members of the public who were present. The view was formed on a balance of probability.

This matter is dealt with in Paragraphs 20 – 25 and 54 - 56 of the IOs report (enclosed) in which he sets out the context and reasoning for his findings. The minutes and decision notice summarise the Standards Committee reasoning for their decision. A copy of extracts from Councillor Copeland's blog is also appended thereto.

The Standards Committee does not consider its decision infringes Article 10 of the European Convention of Human Rights, more that holders of public office need to be aware of the responsibility that comes from holding such a position.

- 3) The Standards Committee accepts that the Hearing was not held within the three month time limit referred to in paragraph 18 (1) (b) of the 2008 Regulations. However the Standards Committee would argue that it did meet the requirements of sub paragraph (d), in that the Hearing was held as soon as reasonably practicable. The delay was in view of the fact that the subject Member was not willing to engage with the pre-hearing process, and the Standards Committee were keen to demonstrate and felt it was of paramount importance that he be given every opportunity and made aware of the importance, of doing so. I attach copies of correspondence to demonstrate such.

As requested, please find enclosed copies of all relevant documents considered at the original Hearing together with a copy of the Minutes arising therefrom.

I can confirm the Standards Committee is agreeable to this matter being determined without a Hearing. In the event that a Hearing is held, I can further confirm that the provisional date stated in your letter of 17 July 2012, namely 1 October 2012 is acceptable.

Finally, please find enclosed the completed Tribunal Hearing Forms.

Should you require any further information or clarification, please do not hesitate to contact me.

Thanking you in anticipation

Yours sincerely



cc: Mr John Copeland – via e-mail



Encs:

- 1) Agenda, reports, and scripted procedure from original Hearing
- 2) Minutes arising from the Hearing held on 23 May 2012
- 3) Copies of correspondence referred to at (3) above
- 4) Completed tribunal hearing forms



ENC 1

**Guildhall Marshall's Yard
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AGENDA

**Standards Committee (Hearing Panel)
Wednesday, 23 May 2012 commencing at 4.00pm
Council Chamber, the Guildhall, Gainsborough**

Members:



(Chairman and Independent Member)



1. Apologies for absence.

2. Chairman for the Meeting.

To agree the appointment of [REDACTED] (Independent Member) as Chairman for today's Meeting of the Hearing Panel.

3. Members' Declarations of Interest.

Members may make any declarations of interest at this point but may also make them at any time during the course of the Hearing.

Agendas, Reports and Minutes will be provided upon request in the following formats:

Large Clear Print: Braille: Audio Tape: Native Language

4. The Meeting of the Hearing Panel will be open to the public and press unless confidential information or exempt information under Schedule 12 A of the Local Government Act 1972 and regulations is likely to be disclosed.

Following consultation with the relevant parties, to **RESOLVE** that:

(a) the public and press be excluded from the Hearing;

OR

(b) the Hearing proceed in open

5. Approval of any pre-hearing actions by the Chairman.
6. Extracts from the Council's adopted procedure relating to the Procedure at the Hearing; Decision by the Hearing Panel; Appeal; Notice of Findings and Confidentiality and Disclosure of Information are attached.
Print herewith: **PAPER A**
7. To determine in accordance with the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 issued under Section 66 of the Local Government Act 2000 the reports of an Investigating Officer into allegations made against a Member of Burton Parish Council

A copy of the Investigating Officer's report and relevant documentation, is attached.
Print herewith: **PAPER B**

[Redacted Signature]

Guildhall
Gainsborough

14 May 2012

ENC 1.
A

Extract from the Council's adopted procedure for the local determination of allegations about the personal conduct of Council Members following investigation by the Monitoring Officer or other investigatory officer (Reporting Officer) re Procedure at the Hearing; Decision by the Hearing Panel; Appeal; Notice of Findings and Confidentiality and Disclosure.

Note: Paragraph numbers are those referred to in the adopted procedure

PROCEDURE AT THE HEARING

22. The initial order of business at the meeting shall be as follows:
- appointment of Chairman (if not already appointed)
 - declarations of interest
 - approval of pre-hearing action by the Chairman
 - consideration as to whether to adjourn or to proceed in the absence of the Member, if the Member is not present
 - introductions
 - any representation from the Investigating Officer and/or Member as to reasons why the Hearing Panel should exclude the press and public and determination as to whether to exclude the press and public. Where the Hearing Panel decides that it will not exclude press and public, the Monitoring Officer shall at this point provide copies of the agenda and reports to any members of the press and public who are present.
23. The purpose of the hearing is to test the robustness of the report of the Investigating Officer, by examining the reasoning contained within the report and the quality of the evidence relied upon. This calls for an inquisitorial approach by the Hearing Panel based on seeking information in order to identify potential flaws in the report and to clarify

issues. The Hearing Panel will control the procedure and evidence presented at the hearing, including the questioning of witnesses.

24. The Hearing Panel may at any time seek advice from its Legal Advisor. Such advice will on all occasions be given in the presence of the Investigating Officer and the Member.
25. The procedure at the hearing will be as follows, subject to the Chairman of the Panel being able to make changes as he or she think fit in order to ensure a fair and efficient meeting.

Examination of report and written representations

The Panel will consider the report together with any written response from the Member to the report. The Panel may require the Investigating Officer to answer questions put to him or her by members of the Panel regarding the contents of the report.

Oral evidence

If there is any disagreement as to the facts of the case, the Investigating Officer will be invited to make any necessary representations to support the relevant findings of fact in the report, calling supporting witnesses as agreed by the Chairman of the Panel (see paragraph 11 above).

Questions may be asked by the Panel at any point. Neither the Member, the Complainant nor any representative of either party will be permitted to directly question the Investigating Officer or the witness he/she calls. The Chairman of the Panel will ask the Member, the Complainant or any representative of either party if they wish to challenge any oral evidence being presented. In this event these questions shall be directed through the Chairman.

The Member will then be invited to make any necessary representations to support his or her version of the facts, calling supporting witnesses as agreed by the Chairman of the Panel (see paragraph 11 above).

Questions may be asked by the Panel at any point. Neither the Investigating Officer, the Complainant nor any representative of either party will be permitted to directly question the Member or the witnesses he/she calls. The Chairman will ask if the Investigating Officer, the Complainant or any representative of either party wishes to challenge any oral evidence being presented. In this event these questions shall be directed through the Chairman.

26. Where the Member seeks to dispute any matter in the report which he/she had not given notice of intention to dispute in his/her written statement in response, the Investigating Officer shall draw this to the attention of the Hearing Panel. The Hearing Panel may then decide:
- not to admit such dispute but to proceed to the decision
 - to admit the dispute, but to invite the Investigating Officer to respond
 - to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute.
27. Where appropriate the Investigating Officer will make representations on behalf of the Complainant to the Hearing Panel.

DECISION BY THE HEARING PANEL

28. The Hearing Panel will consider in private session (all those apart from the Hearing Panel Members and the Legal Advisor/ Monitoring Officer being required to withdraw from the meeting) which of the following findings to adopt:
- that there is no evidence of any failure to comply with the Code of Conduct
 - that the Member has failed to comply with the Code of Conduct, but that no action needs to be taken
 - that the Member has failed to comply with the Code of Conduct. At this point the Member should be allowed to make representations regarding the imposition of sanctions.

The Hearing Panel will withdraw to determine whether one of the following sanctions is to be imposed and if so which.

- a) censured, and/or
- b) restricted for a period not exceeding six months of the Member's access to the premises of the authority or that Member's use of the resources of the authority, provided that those restrictions:
 - i) are reasonable and proportionate to the nature of the breach; and
 - ii) do not unduly restrict the person's ability to perform the functions of a member.

- c) partially suspended (a) for a period not exceeding six months
- d) suspended for a period not exceeding six months
- e) submitting a written apology in a form specified by the Standards Committee
- f) undertaking such training as the Standards Committee specifies
- g) participating in such conciliation as the Standards Committee specifies
- h) partially suspended for a period not exceeding six months or until such time as the Member submits a written apology in form specified by the Standards Committee
- i) partially suspended for a period not exceeding six months or until such time as the Member has undertaken such training or has participated in such conciliation as the standards Committee specifies
- j) suspended for a period not exceeding six months or until such time as that the Member has submitted a written apology in a form specified by the Standards Committee
- k) suspended for a period not exceeding six months or until such time as that the Member has undertaken such training or has participated in such conciliation as the Standards Committee specifies.

NOTES: Any sanction imposed shall commence immediately following its imposition by the Standards Committee.

A Standards Committee may direct that the sanction be imposed or, where a combination of such sanctions is imposed, such one or more of them as the Committee specifies, shall commence on such date, within a period of six months after the imposition of that sanction, as the Committee specifies.

- 29. In deciding what penalty to set, the Hearing Panel will consider all relevant circumstances including those covered in the Guidance produced by the Standards Boards for England.
- 30. All those persons previously excluded from the meeting (see 27 above) will be invited to return and the Chairman will announce the decision of the Panel and the reasons for that decision.

31. If the matter is a complicated one, where the complaint has a number of aspects, the Hearing Panel can decide to consider the evidence and reach a finding on each aspect separately.
32. The Hearing Panel will then consider in the open session whether there are any recommendations which the authority should make arising from consideration of the allegation. For example, providing recompense to any person who has suffered detriment as a result of the breach of the Code of Conduct or related matters; for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct, for rectifying any deficiency in the authority's decision making procedures or preventing or deterring further breaches of the Code of Conduct.

APPEAL

33. Where the Hearing Panel determines that the Member has failed to comply with the Code of Conduct, the Monitoring Officer shall inform the Member of his or her right to appeal against the determination to an appeal tribunal drawn from the Adjudication Panel. A copy of the appeal form is attached. The Adjudication Panel can be contacted at 23 Victoria Avenue, Harrogate, North Yorkshire, HG1 5RD. Telephone 01423 538783. Website www.adjudicationpanel.co.uk.

NOTICE OF FINDINGS

34. The Monitoring Officer will make a short written decision available on the day of the hearing and a full written decision in draft will be prepared by the following day.
35. Within two weeks of the end of the hearing, the Monitoring Officer will circulate the full written decision, in the format recommended by the Standards Board, to the Member, the Complainant, the Standards Committee and any other authority concerned, the Standards Board and any Parish/ Town Council concerned.
36. At the same time the Monitoring Officer shall arrange for a summary of the findings to be published in one or more newspapers circulating in the area of the Authority and on the Council's website.
37. Where the Hearing Panel determines that there has not been a breach of the Code of Conduct, the notice specified in paragraph 33 shall:
 - i) state that the Hearing Panel found that the Member had not failed to comply with the Code of Conduct and shall give its reasons for reaching that finding; and

- ii) the above paragraph 35 shall not apply if the Member so requests.
38. Where the Hearing Panel determines that there has been a failure to comply with the Code of Conduct but no action is required, the notice specified in paragraph 33 shall:
- i) state that the Hearing Panel found that the Member had failed to comply with the Code of Conduct but that no action needs to be taken in respect of that failure
 - ii) specify the details of the failure
 - iii) give reasons for the decision reached; and
 - iv) state that Member concerned may apply for permission to appeal against the determination.
39. Where the Hearing Panel determines that there has been a failure to comply with the Code of Conduct and that a sanction should be imposed, the notice specified in paragraph 33 shall:
- i) state that the Hearing Panel found that the Member had failed to comply with the Code of Conduct
 - ii) specify the details of the failure
 - iii) give reasons for the decision reached
 - iv) specify the sanction imposed; and
 - v) state that the Member concerned may apply for permission to appeal against the determination.
40. Copies of the agenda, reports and minutes of the hearing, as well s any background papers, apart from sections of documents relation to parts of the hearing that were held in private, will be available for public inspection for six years after the hearing.

CONFIDENTIALITY AND DISCLOSURE OF INFORMATION

41. Where the Chairman of the Hearing Panel considers that the Investigatory Officer's report and/or any of the written statements in response is likely to disclose "exempt information" (as defined in Schedule 12A to the Local Government Act 1972 and regulations), and in consideration that it is likely that the Hearing Panel will, during consideration of these papers, not be open to the public, he/she shall instruct the Reporting Officer not to provide copies of these papers to

the press or public or permit their inspection by the press or public in advance of the meeting.

42. The Hearing will be held in public apart from the following two situations:

- i) where 'confidential information' is to be revealed, the Hearing Panel must hold such parts of a meeting in private. Confidential information is information provided by a government department under the condition that it must not be revealed, and information that cannot be revealed under any legislation or by a court order.
- ii) where 'exempt information' is to be revealed the Hearing Panel may exercise their discretion in deciding whether or not to exclude the public. The categories of exempt information are set out in Schedule 12A to the Local Government Act 1972 and regulations and include information relation to the personal circumstances of any person.

ENC. 1.

B

PRIVATE and CONFIDENTIAL

**FINAL REPORT OF AN INVESTIGATION UNDER THE LOCAL
GOVERNMENT & PUBLIC INVOLVEMENT IN HEALTH ACT 2007 & THE
STANDARDS COMMITTEE (England) REGULATIONS 2008**

Subject Member: Councillor J. Copeland

Case Reference: 65, 66, 67 & 68

Date of Report: 3rd January 2012

Investigating Officer: [REDACTED]

Contents

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- C. Relevant Legislation and Protocols (10)**
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- H. Reasoning (64 - 68)**
- I. Finding (60-64)**
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A) Executive Summary

1. This report refers to complaints made by West Lindsey District Councillors [REDACTED]. The complaints allege breaches of the Code of Conduct by Burton By Lincoln Parish Councillor Mr John Copeland.
2. The complaints concern the conduct of Cllr Copeland at the Burton By Lincoln Parish Council Meeting on the 11th October 2011, the content of e mails sent by him and also the content of a web diary written by Cllr Copeland, entitled "Diary of a Septuagenarian", which can be viewed at <http://www.johncopeland.clara.net/>
3. [REDACTED] has also reported extracts from Councillor Copeland's web diary to Lincolnshire Police. The outcome of the Police enquiry is referred to later in this report.
4. Having regard to the evidence provided, and additional evidence I have obtained, and the considerations set out in this report, I find that Councillor Copeland *has* breached the Burton By Lincoln Parish Council Codes of Conduct in this matter.

B) Councillor Copeland's Official Details

5. Councillor Copeland was elected on to Burton By Lincoln Parish Council in May 2011.
6. Councillor Copeland is a former Clerk to Burton By Lincoln Parish Council, and previously served as a Councillor on Burton By Lincoln Parish Council for a period of twelve years, ten of which were as Chairman.
7. Councillor Copeland is also a former West Lindsey District Councillor having represented the Saxilby Ward from 1992 to 1996.
8. On the 16th May 2011, Councillor Copeland signed a 'Members Code of Conduct' document to undertake to observe the Code of Conduct of Burton By Lincoln Parish Council (*See Document 1*).
9. *On or about the 17th December 2011, Councillor Copeland resigned from Burton By Lincoln Parish Council (See Document 12)*

[REDACTED]

C) The Relevant Legislation and Protocols

10. In May 2007, Burton By Lincoln Parish Council adopted a Code of Conduct in which the following paragraphs are included:

- Failing to treat others with respect (Para 3 (1))
- Failing To Comply with Equality Laws (Para 3 (2)(a))
- Bullying and Intimidation (Para 3 (2) (b) and (c))
- Bringing the Office of Councillor or your authority into Disrepute (Para 5).
- Using your position improperly (Para 6 (a))

Extracts from Paragraphs 3 (1) – 3(2) (c) are set out below

(1) You must treat others with respect

(2) (a) You must not do anything which may cause your Authority to breach Equality Laws

b) You must not bully any person including councillors, council officers or members of the public

c) You must not intimidate or attempt to intimidate any person.

Extract from Paragraph 5 is set out below:

(5) You must not conduct yourself in a manner which could easily be regarded as bringing your office into disrepute.

Extract from Paragraph 6 is set out below:

(6) You must not use, or attempt to use, your position improperly to the advantage or disadvantage of yourself or anyone else.

D) The Evidence Gathered:

11. I have taken account of documentary evidence obtained from the complainants in the original complaint referred to the Standards Committee. *(See Documents 2, 3, 4 and 5).*
12. I have also taken account of oral evidence obtained by me from the complainants, together with documents provided to me by them.
13. I have also liaised with Police Constable [REDACTED] of the Lincolnshire Police.
14. I have also taken account of the contents of an interview I have conducted with Councillor Copeland. The interview was audio recorded.
15. I have also liaised with the former Burton By Lincoln Parish Clerk, [REDACTED]
[REDACTED]
16. I have also studied Councillor Copeland's web diary for the relevant period.
17. I have also taken account of a documents submitted in response to my Draft Report by [REDACTED] *(See Document 9).*
18. I have also taken account of two documents submitted in response to my Draft Report by [REDACTED] *(See Documents 10 and 11).*
19. Councillor Copeland returned his copy of the Draft Report to me marked "Returned Unopened".

E) Summary of Facts:

20. On the 11th October 2011, a meeting of the Burton By Lincoln Parish Council was held, at which [REDACTED] and Copeland were all present. [REDACTED] left the meeting early.
21. [REDACTED] states that during the meeting, and after [REDACTED] had departed, a planning application in relation to the Old Coach

House in Burton, which had been approved by West Lindsey District Council planning department was discussed by the meeting.

22. [REDACTED] states that Councillor Copeland was rude and disparaging as he believed that the application should not have been granted. He was disapproving of the District Council and the District Planning Authority and during the comments he made, suggested that the District Council had granted the application as it was fearful of being taken to appeal if it had refused the application.
23. [REDACTED] also states that Councillor Copeland implied that the District Councillors had not done sufficient to seek refusal of the application, and that Councillor Copeland's conclusion was that if you had money (referring to the applicant) you could get any planning permission. [REDACTED] took this to mean that either or both the District Council or its elected members had taken a "bribe" to secure a planning application.
24. When interviewed Councillor Copeland explained that his comments were referring to the planning applicant who he states was sufficiently wealthy to be able to change the plans via an architect, in order that the application receive approval, which would have been costly, in comparison to a less wealthy person who might not be able to afford to do this. Councillor Copeland accepts he was rude and disparaging about West Lindsey District Council itself, he states he meant nothing against [REDACTED] who he regards as "well meaning" and 'bright'.
25. Councillor Copeland believes it is his right to openly criticise authorities as bodies, and councillors in general, but states he has never named and criticised any individual councillor(s).
26. [REDACTED] also states that there has been an issue with bus stops at Burton Waters which comes under the Parish Council of Burton By Lincoln
27. A resident of Burton Waters complained to Lincolnshire County Council Highways that the two bus stops located on the A57 trunk road, close to the roundabout which gives access to Burton Waters and Burton Village were unsafe. The bus stops were subsequently removed by Stagecoach, the bus service provider.

28. A meeting was held between Lincolnshire County Council and Burton By Lincoln Parish Council regarding the bus stops, hence the parish council's involvement in the matter.
29. The issue of the bus stop is also the subject of one of [REDACTED] complaints in so much as Councillor Copeland sent three e mails to members of Burton By Lincoln Parish Council, West Lindsey District Councillors and County Councillors, which [REDACTED] describes as "unacceptable", due to the content showing disrespect for the resident in question and make unsubstantiated and damaging comments about District Councillors and the County Council.
30. The first e mail dated the 21st September 2011 describes the member of the public as a "geriatric" and an "old grumbler" (*See Document 6*).
31. The second e mail dated the 24th September 2011 describes the member of the public as a "grumbler" and is critical of Lincolnshire County Council (*See Document 7*).
32. The third e mail dated the 26th September 2011 twice refers to the member of public as a "grumbler". (*See Document 8*).
33. When questioned about the use of the words "geriatric" and "grumbler", Councillor Copeland stated it was a light hearted comment.
34. It transpires that the instigator of the complaints about the bus stops is a woman with a young family, who resides at Burton Waters.
35. [REDACTED] also refer in their complaint documents to a considerable number of entries in Councillor Copeland's web diary.
36. [REDACTED] restricts his complaints to council related entries whilst [REDACTED], in addition to council related entries has included a number of none related council entries which she believes fall into the categories of racist, sexist, and misogynistic.
37. When interviewed about his diary content Councillor Copeland states that he mentions in the diary that he is a Parish Councillor. He states the diary is written as a personal diary, and in terms of his life and existence, he makes

reference comments on the things he does in life including his role as a Parish Councillor.

F) Diary Details:

38. "The Diary of a Septuagenarian" is a weekly on line diary which can be accessed at <http://www.johncopeland.clara.net/>
39. Councillor Copeland states that the diary has been in existence for 14 years, with no breaks, and is diary of the life of John Copeland, who is the sole author. [REDACTED] also states from e mails he receives he is aware that the diary is read by people in numerous countries around the world.
40. The diary is updated every Thursday, and contains entries for seven days. The previous entries are deleted every Thursday, so readers of the diary are limited to access one week's contents, but are able to view previous entries that are 'cached'.
41. The diary has a 'hit counter' which calculates how many times the diary has been accessed. The 'hit counter' has never been reset and currently stands at 332108, as at the 3rd January 2012.

G) Lincolnshire Police Enquiry:

42. As previously mentioned in this report, [REDACTED] has reported extracts of Councillor Copeland's diary to Lincolnshire Police.
43. The enquiry was allocated to [REDACTED]
44. The diary extracts together with a report were referred by [REDACTED] to the Crown Prosecution Service (CPS) for their advice as to whether any offences have been committed by Councillor Copeland under the Public Order Act 1986.
45. The CPS officer who reviewed the extracts has stated in an e mail to [REDACTED]
[REDACTED]

46. "I have reviewed your file in this case and I have read the papers supplied, thank you.
47. I am asked to advise on whether any offences have been committed under the Public Order Act 1986, concerning comments on a blog that has been put on the internet by the proposed defendant John Copeland.
48. My personal view is that whilst some of the comments when taken in isolation are mildly offensive, none of them individually or all of them taken together would or even should attract a charge under Section 19 of the Public Order Act. Having said that, I do not consider that these are views that should be openly voiced by councillors and I recommend that Mr Copeland should be given words of advice regarding his future conduct".
49. As the result of the CPS directive, [REDACTED] visited Councillor Copeland on the 23rd November 2011, and offered him advice on what could be construed as offensive and handed him a hard copy of the Section of the Public Order Act which explains some of the intricacies of "alarm, harassment and distress" which are prevalent in the Act.
50. The Police enquiry has not disclosed any offences committed by Councillor Copeland.

H) Reasoning As To Whether There Have Been Failures to Comply With The Codes of Conduct:

51. In establishing whether or not a Subject Member has breached a Code of Conduct it is paramount to ensure that the Code of Conduct is applicable to the circumstances of the alleged breach.
52. The Standards Board for England, Code of Conduct Guide For Members 2007 includes a section entitled "Deciding when the Code of Conduct applies to you", part of which states:
53. *"The Code of Conduct applies to you:*
- 1) Whenever you act in your official capacity, including whenever you conduct the business of your authority or act, claim to act, or give the impression you are acting, in your official capacity or as a representative of your authority.*

2) At any time where your behaviour has led to a criminal conviction. However only paragraphs 3(2)(c), 5 and 6(a) have effect in these circumstances when you are acting in your private capacity. Otherwise, the Code of Conduct does not apply to your private life”.

54. In relation to Councillor Copeland's conduct at the Burton By Lincoln Parish Council Meeting on the 11th October 2011, the code clearly applies as Councillor Copeland was acting in his official capacity.
55. It is evident that the meeting became heated. Councillor Copeland accepts that he was “rude and disparaging”, but he states this was towards West Lindsey District Council as a body and not towards [REDACTED] as an individual.
56. It is recognised that the Codes of Conduct are not in existence to stifle robust debate within meetings by opposing factions. [REDACTED] states when interviewed: “As District Councillors, we are quite able to take the rough and tumble in the council chamber and have an argument or debate with somebody then go and have a cup of coffee with them afterwards and I think to some extent the exacerbation of this has been the follow up that has carried on through his (Cllr Copeland's) blog”.
57. In relation to the matter of the ‘Bus Stop’, the mails sent by Councillor Copeland were done so when he was acting in his official capacity, so once more the code clearly applies.
58. I am of the opinion that by referring to a member of public as a “grumbler and geriatric” he has shown disrespect to that member of public who clearly was looking for assistance with good reason.
59. In relation to the diary entries by Councillor Copeland, it is again necessary to establish whether the Code of Conduct is applicable.
60. [REDACTED] suggest that the Code of Conduct is applicable as Councillor Copeland does not separate his private thoughts from those which he makes as councillor, and that as both types of comments are made within the same entry, it would be impossible for a reader to separate the two, and in addition some of his private comments

could easily have been made as part of his council duties, so confusing the issue further.

61. I am of the opinion that the reasons put forward by the two councillors are insufficiently robust to support the view that Councillor Copeland breached the Code of Conduct.
62. My opinion is that most certainly Councillor Copeland comments on Parish Council matters in his diary, however that in itself does not constitute a breach of the Code of Conduct, because in writing and posting the diary on to the internet, he is not actually acting in his official capacity or conducting the business of Burton By Lincoln Parish Council.
63. I am also of the opinion that Councillor Copeland is not claiming to act and does not give me the impression he is acting in his official capacity or as a representative of Burton By Lincoln Parish Council. The comments he makes are his own personal views.

I) Finding:

64. I have considered all the information provided, together with all the evidence gathered and from the information available to me I have concluded that:
65. In relation to the matter of the planning issue discussed at Burton By Parish Council Meeting on the 11th October 2011, I am of the opinion that Councillor Copeland has not breached the Burton By Lincoln Parish Council Code of Conduct.
66. In relation to the matter of the Burton Waters Bust Stop, Councillor Copeland has breached the Burton By Lincoln Parish Code of Conduct Paragraphs 3(1) and 5 as outlined in Paragraph 9 of this report.
67. In relation to all diary entries, a number of the comments made by Councillor Copeland can never be condoned, and being a former Police Officer, I am mildly surprised that a more robust outcome to those comments has not been recommended by the Crown Prosecution Service to the Police, however that is their decision.

68. It is however my opinion that Councillor Copeland has not breached the Burton By Lincoln Parish Council Code of Conduct in relation to the diary entries listed in the complaint.

[REDACTED]

[REDACTED]

Investigating Officer

J) SCHEDULE OF DOCUMENTS

<u>REFERENCE</u>	<u>DESCRIPTION</u>
1	Councillor Copeland's Code of Conduct Acceptance Document
2	[REDACTED] First Complaint Document
3	[REDACTED] Second Complaint Document
4	[REDACTED] First Complaint Document
5	[REDACTED] Second Complaint Document
6	[REDACTED] E Mail Dated 21/9/11
7	[REDACTED] E Mail Dated 24/9/11
8	[REDACTED] E Mail Dated 26/9/11
9	Response to Draft Report by [REDACTED]
10	Response to Draft Report by [REDACTED]
11	Further Response to Draft Report by [REDACTED] [REDACTED]
12	E Mail reference Councillor Copeland's Resignation.

Complaint against Councillor John Copeland Member of Burton Parish Council

As an elected District Councillor for West Lindsey I attend the Burton Parish Council Meetings to give a general report on the work of the District Council and to help and advise Burton Parish Council on matters appertaining to the District Council.

At the meeting of Burton Parish Council on 11th October 2011 Councillor Copeland was discourteous and failed to show due respect for District Councillors and members of the public. Such disrespect and bringing his office as a Parish Councillor in to disrepute has continued in his blog The Diary of a Septuagenarian, which is freely available on the internet and available for all to see.

I therefore believe Councillor Copeland to have breached the Code of Conduct in respect of;

SCHEDULE THE MODEL CODE OF CONDUCT

Part One General Principles

General Obligations (section 3) (1) *You must treat others with respect*

General Obligations (section 5) *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*

At the meeting on 11th October 2011 Councillor Copeland, in reference to my reporting on a recent granting of a planning application for the [REDACTED] in Burton, was rude and disparaging as he believed that the application should not have been granted. He was disapproving of the District Council and the District Planning Authority and during the comments he made, suggested that the District Council had granted the application as it was fearful of being taken to appeal if it had refused the application. The implication was also that the District Councillors had not done sufficient to seek refusal of the application. His conclusion was that if you had money (referring to the applicant) you could get any planning permission. This suggestion to my mind was that either or both the District Council or its elected members had taken a "bribe" to secure a planning application.

Following the meeting in the subsequent days up until the weekend of the 15th/16th October Councillor Copeland continued to write on his blog, The Diary of a Septuagenarian, (which if put in to Google will show the blog) comments about District Councillors., and members of the public.

There has been a problem with bus stops at Burton Waters which comes under the Parish Council of Burton, where –by a resident had complained about the bus stop provision being unsafe alongside the A57. The bus stops were thus removed.

Councillor Copeland on his blog wrote the following which was taken from the blog on 16th October 2011, referring to the meeting of 11th October 2011;

As expected, the saga of the .bus stop came up in the "Public Question Time". (This is the 'bus stop that a whinger complained about as it did not meet health & safety considerations, leading ultimately to the Highways Department saying it was dangerous to use. The grumbler has therefore ended up with no 'bus stop. How you have to laugh.

This post followed a similar post which had to referred to the agenda items of 11th October Parish Council and the bus stops, as the draft agenda had been published by this time, when Councillor Copeland on 21st of October had written on his blog;

Meanwhile, as I mentioned yesterday, the issue of the 'bus stop continues to have e-mails flying all over the place, more arriving today. Apparently the cost of providing a hard-standing area would be in the region £3,000, probably taking the workmen of the Highways Department at least three weeks to complete, but the County Council, after paying the inflated £220,000 salary of the chief executive, paid almost as much as the Prime Minister, as well as the salaries of other officers and the remuneration of the overpaid councillors, has no money left for any services. As we all say, the County Council seems to exist solely for the benefit of the staff and councillors, certainly not for the council taxpayers.

Following this on 22nd September Councillor Copeland on his blog, in what appears to me to be a clear reference to possible breaching of the Code of Conduct wrote;

I have become increasingly aware of this clampdown, and this morning I therefore went through this week's diary entries and deleted several of them, just to be on the safe side, not wanting a dawn visitation or a summons from a smalltown solicitor. A nasty business, but I do not want to end up sharing a cell with a young arsonist with no hope, or a Conservative councillor. Better safe than sorry in the new climate that is seeing the gradual erosion of free speech, invariably associated with right-wing governments.

It is thus a concern in some respects that those posts used here as evidence may not be visible on the blog at this time, and therefore only able to be reported rather than viewed, on the other hand if they have now been removed they are no longer visible to the public either.

Furthermore, on Councillor Copeland's blog following the Parish Council Meeting of the 11th October, Councillor Copeland on or before the 16th October 2011, at which time the following post was still on the blog wrote the following comments. In this he is still referring to the meeting of the 11th October 2011 and the District and County Councillors present at Burton on that evening.

One of our district councillors and the county councillor present had to depart early as they has another meeting this evening. I "have to say" that I admire these councillors, being able to listen hour after hour to a load of bureaucratic nonsense that would bore most people out of their minds. It must take a strange mind to be able to endure such boredom. Certain characteristics would appear to be necessary:-

1. The love of the sound of your voice, preferably one that is monotonous and flat; boring everybody to tears 2. You must believe that you are important, enjoying the supposed power and the glory of putting the appellation of "Councillor" before your name; 3. The need to have a very high threshold of boredom, able to take all the nonsense of health & safety measures and risk assessments in your stride, not laughing about them; 4. - and probably the most important consideration, to be quite thick, just able to do joined-up writing, not worrying too much if you cannot balance subject and verb. An I.Q. over 100 would most assuredly disqualify selection and suitability.

The cynics, quoting various instances around the country, would add the ability to accept brown envelopes to supplement the expenses, but I think this is unfair, most councillors being relatively honest. Besides, you would have to be on the planning committee to accept the backsheesh.

I think I will miss the next meeting of the Parish Council on the 11th December, pleading another outbreak of stress, belatedly realising it was a mistake to repaint the oil tank. The scheduled meeting will merely be a repetition of the issues discussed this evening, most of them being postponed to the next meeting. At least I will be able to read in the minutes about what happened following the meeting about the omnibus stop, something that is keeping me awake at night with the worry.

Clearly this last post on the blog is totally disparaging of other elected Councillors serving the people of the Saxilby Ward and of which Burton Parish is a part. The whole entry on the blog is offensive and particularly the part which contends that a member of the Planning Committee might accept the baksheesh. I am a current serving member of the Planning Committee, and while I cannot say for certain the comment is directed at me, it is clearly directed at the membership of the District Planning Authorities' Development Control Committee.

Similarly to suggest that one of the criteria for being an elected District Councillor is "to be quite thick, just able to do joined-up writing, not worrying too much if you cannot balance subject and verb. An I.Q. over 100 would most assuredly disqualify selection and suitability".

Is offensive and disrespectful of another; personally I have an IQ higher than 100 and have been educated to degree standard.

Subsequent to the meeting on the 11th October 2011 other Parish Councillors and members of the public who were present have commented to me how appalled they were at the conduct of Councillor Coupland, and similarly [REDACTED] who had been rude and discourteous to [REDACTED] but he is not the subject of my complaint.

Councillor Copeland, and remarks he made to the then Parish Clerk, were the reason she has now resigned the post and again though not the subject of this complaint evidence can be made available to substantiate those claims.

While I accept the concept of free speech and in a democratic society for the individual to hold personal opinion, when that opinion is expressed in public domains by an elected Councillor, those looking in on those comments cannot necessarily distinguish whether they are personal comments or the comments of a councillor.

Similarly when that Councillor, sitting at the Parish Council Table is disrespectful, of another elected councillor from the different authority, and continues that disrespect and abuse on in a format on a blog which is viewable by the public I find I have no choice than to report the matter to standards and allow the Code of Conduct, which I believe to have been broken, to take its course.

rec'd 24/10/11.
via e-mail.

COMPLAINT made by [REDACTED] 23/10/11

Name:
Address:

Work:
Home:
Mob:
E-mail:

Tel [REDACTED] 24/10/11
conf. happy for name
to be released
no req. for confidentiality

I am an elected member of an authority.

I am making my complaint against Councillor John Copeland of [REDACTED], who is a member of Burton Parish Council.

Complaint Number One.

Background: -

A resident expressed concern about safety at a bus stop near Burton Waters and this complaint triggered the loss of the bus-stop. A number of e-mails were exchanged between councillors who were attempting to resolve the situation, but Cllr Copeland's contribution was to :-

1. Send an unacceptable e-mail to members of Burton Parish Council and to District and County Councillors which demonstrated a deep disrespect for the resident who had asked for help.
2. Complain in a most disparaging manner that the resident had been the cause of work for councillors.
3. Make unsubstantiated and damaging comments about District Councillors and the County Council.

Cllr Copeland was acting as a councillor in this instance and was privy to the information because of his role as a councillor.

I suggest he has breached the following areas of the Code of Conduct: -

Part One General Principles

General Obligations (section 3) (1) *You must treat others with respect*

General Obligations (section 5) *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*

Evidence to support this complaint: -

Please find below three e-mails from Cllr Copeland with relevant passages highlighted.

First E-mail from Cllr Copeland to [REDACTED] on September 21st 2011. Cllr Copeland copied a number of people into this e-mail: -

"Well said, [REDACTED] At last somebody with some common sense.

Obviously the old fellow who grumbled about the 'bus stop - and I assume he is a geriatric from the estate - had not enough to do with all his spare time, which is a common failing amongst those of us in the season of superannuation.

Let's forget all about the whole issue, the stop remaining closed - and serve the old grumbler right for causing us all so much worry and stress, having to send e-mails all over the place.

What with the Palestinian issue and worrying about this one, I have hardly been able to sleep at nights.

Regards,
John"

Second E-mail sent by John Copeland to [REDACTED] on September 24th 2011. Several people were copied into this e-mail. Relevant passages are highlighted.

As with the Israeli/Palestinian crisis, I cannot see that this issue can ever reach a settlement.

You say: *I hope that LCC will see sense and tell Stagecoach to reinstate both bus stops immediately, but the Highways Department, ever fretful and neurotic about health & safety issues, has said that the 'bus stop is too dangerous to use, presumably on account of waiting passengers sinking into the wet grass, disappearing from sight.*

Presumably the only possibilities are for the local authority to spend the estimated £3,000 for providing a hard area, or to give a further subsidy to the 'bus operator, *but our County Council, which gives the unfortunate impression of existing primarily for the benefit of the officers and councillors, rather than for any service provision for council taxpayers, fortunately has no money for such unwarranted expenses.* For its part, the 'bus company will certainly not pay any money for a revised stop, having no legal obligation, and neither should it be expected to do so for just a handful of passengers.

I suggest that we therefore forget about the issue that has resulted in a grumbler from the estate losing a 'bus stop. Maybe he ought to be reminded that we live in the countryside, where we do not want to see ugly concrete 'bus stops all along the highway, preferring to risk sinking into the mud on a grassed area.

Regards, John Copeland"

Third E-Mail sent by Cllr John Copeland to a number of recipients on 26th September 2011: -
Will this ridiculous and overblown saga never end?

I suppose it has at least given our district and county councillors something to do, something to get their teeth into at last, but even so it all seems so utterly crazy, having generated so many worthless e-mails.

Presumably the grumbler on the estate belatedly realises the folly of making complaints, now finding that he has no 'bus stop at all, the County Council, terrified of health & safety rules and regulations, having removed the stop on fears that waiting passengers could sink into the grass, thankfully never to be seen again.

Perhaps the grumbler should accept Voltaire's advice: "Be content with things that work moderately well".

John Copeland

For Information: -

On 26th September I wrote to Cllr Copeland to advise him that his comments were unacceptable but he chose not to respond. My e-mail is below: -

Dear John

I note with some concern the disparaging tone you take when referring to a member of the public who has raised concerns, as well as your equally dismissive comments about district and county councillors. May I remind you that you became a parish councillor of your own free will and, having done so, you are expected to maintain certain standards of respect and professionalism when dealing with those who need your help. You may think that this person, of whom you say: -"and I assume he is a geriatric from the estate" is making an unnecessary fuss, but he clearly feels that his councillors can do something to help and so he has asked for that help.

Your comment: -"and serve the old grumbler right for causing us all so much worry and stress, having to send e-mails all over the place" falls far short of the high standards I usually experience when dealing with Burton Parish Councillors.

Your comments about district and county councillors: -

"but our County Council, which gives the unfortunate impression of existing primarily for the benefit of the officers and councillors, rather than for any service provision for council taxpayers"

"I suppose it has at least given our district and county councillors something to do, something to get their teeth into at last,"

demonstrate a breathtaking lack of knowledge of our work and, because other people are more accurately informed of what we do on a day to day basis, make you look sadly out of touch. I would be more than happy to update you on district council work if you should feel the need.

Yours sincerely

[REDACTED]
This is the end of Complaint Number One.

COMPLAINT NUMBER TWO. 23/10/11**Complainant: -****Name:****Address:****Work:****Home:****Mob:****E-mail:****I am an elected member of an authority.****I am making my complaint against Councillor John Copeland of [REDACTED] who is a member of Burton Parish Council.****Background: -**

Councillor John Copeland is a prolific blogger with a large online following. He writes an online blog called "Diary of a Septuagenarian", which can be accessed via Google. More than 300,000 people have accessed his blog and so his comments are very public. Some of his comments are potentially racist, libellous and misogynistic and are not in keeping with the high standard of conduct expected of a councillor. One comment even appears to incite people to stab certain criminals. He makes very serious allegations against district councillors which are not substantiated but which have the potential to do serious damage to both councillors and the council itself.

I suggest that he has breached the Code of Conduct in the following areas: -**Part One General Principles****General Obligations (section 3) (1) *You must treat others with respect*****General Obligations (section 5) *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.***

I submit that the Code of Conduct is applicable because Cllr Copeland does not separate his private thoughts from those which he makes as a councillor. Both types of comments are made within the same blog and it would be impossible for a reader to separate the two. Also, some of his private comments could easily have been made as part of his council duties, so confusing the issue further.

Therefore, I suggest that the following area of the Code of Conduct should also apply: -**Scope****2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—****(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or****(b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.**

I have copied the relevant passages taken from some of Cllr Copeland's blogs since 16/9/11 and they can be found on the following pages. Dates of entries are shown with offensive passages highlighted and underlined. I have copied his last two blogs in full as evidence and will attach them to this complaint.

Passages from "Diary of a Septuagenarian", an online blog written by Cllr John Copeland.
All dates are from 2011.

16th September

"One of the assistants did the hair cutting this morning, a most shapely young lass with a delightful figure, but it was hard going talking to her - *obviously a wonderful bedmate but not so good at the table*, but never mind: she did a good job with the hair, which was the purpose of the visit."

18th September

"*was delighted to read in today's newspaper that a thug who had entered a property with intent to thief was stabbed to death by the householder. Well done, indeed!. If we all stabbed a burglar we would reduce crime at a stroke, especially now that the police are never to be seen.*"

September 20th

"*Ideally, too, it would be a good idea to bring back the stocks in the high street, possibly having public hangings* that would be eagerly watched on the idiot's lantern."

September 21st

"Meanwhile, as I mentioned yesterday, the issue of the bus stop continues to have e-mails flying all over the place, more arriving today. Apparently the cost of providing a hard-standing area would be in the region £3,000, probably taking the workmen of the Highways Department at least three weeks to complete, but the County Council, after paying the inflated £220,000 salary of the chief executive, paid almost as much as the Prime Minister, *as well as the salaries of other officers and the remuneration of the overpaid councillors, has no money left for any services. As we all say, the County Council seems to exist solely for the benefit of the staff and councillors, certainly not for the council taxpayers.*"

22nd September

"I have become increasingly aware of this clampdown, and this morning I therefore went through this week's diary entries and deleted several of them, just to be on the safe side, not wanting a dawn visitation or a summons from a smalltown solicitor. *A nasty business, but I do not want to end up sharing a cell with a young arsonist with no hope, or a Conservative councillor.* Better safe than sorry in the new climate that is seeing the gradual erosion of free speech, invariably associated with right-wing governments."

7th October. (This appears to be overtly racist)

"Whenever you hear an unsolicited Indian voice on the telephone you know that it is a scam, and sure enough it was one today, in which a virus is placed on the recipient's computer, and then a £56 charge made for removing it."

8th October

"I can never forgive my parents for giving me the terrible advice that I should always be honest, which ruled me out of becoming a banker, lawyer, estate agent or an accountant, severely limiting my career aspirations. As it was, I went into teaching, *and then transferred to local government educational administration, into which all the deadbeats go.*"

9th October

"I certainly agree with this criticism, for there is no doubt that the entries are becoming far too long. The excuse is that, *like our district councillors, I have not enough to do with my time,*"

11th October, speaking about the parish Council meeting.

"As expected, the saga of the bus stop came up in the "Public Question Time". (This is the 'bus stop that a whinger complained about as it did not meet health & safety considerations, leading ultimately to the Highways Department saying it was dangerous to use. The grumbler has therefore ended up with no 'bus stop. How you have to laugh."

11th October (Several passages in this blog are offensive and are included below).

"Another item related to flyposting by commercial institutions on the estate in the village, all manner of large banners being set up at the entrance to the estate. The district councillors told us that the owners had to be given 28 days notice by the district council to take down the signs, and if they remained there would be legal action, probably extending over several months. This means that the signs will still be there at the next meeting, and the meeting after that, the district council having an abysmal record in controlling these unauthorised notices."

"During the meeting, we were told by one of the district councillors that the new planning regulations devised by the Cameroons meant the abolition of Green Belts, developers henceforth being able to build wherever they liked, and to hell with the Local and Structure plans of the local authorities. Apparently, it is necessary to build another 100,000 house within the next few years to accommodate the immigrants."

"Say what you like about the Cameroons, accusing them of fascist policies, yet there is no doubt that they look after their chums, especially the bankers and the developers. This is what a thoroughly nasty right-wing government is all about, developing the Party's mantra of public squalor, private affluence. Bearing in mind that Red Ed is taking the Labour Party straight into the political wilderness, it seems that the Cameroons are going to be with us for a long time, always assuming that they can cover up old Foxy's tracks."

"One of our district councillors and the county councillor present had to depart early as they has another meeting this evening. I "have to say" that I admire these councillors, being able to listen hour after hour to a load of bureaucratic nonsense that would bore most people out of their minds. It must take a strange mind to be able to endure such boredom. Certain characteristics would appear to be necessary:-

1. The love of the sound of your voice, preferably one that is monotonous and flat; boring everybody to tears 2. You must believe that you are important, enjoying the supposed power and the glory of putting the appellation of "Councillor" before your name; 3. The need to have a very high threshold of boredom, able to take all the nonsense of health & safety measures and risk assessments in your stride, not laughing about them; 4. - and probably the most important consideration, to be quite thick, just able to do joined-up writing, not worrying too much if you cannot balance subject and verb. An I.Q. over 100 would most assuredly disqualify selection and suitability.

The cynics, quoting various instances around the country, would add the ability to accept brown envelopes to supplement the expenses, but I think this is unfair, most councillors being relatively honest. Besides, you would have to be on the planning committee to accept the backsheesh."

"I think I will miss the next meeting of the Parish Council on the 11th December, pleading another outbreak of stress, belatedly realising it was a mistake to repaint the oil tank. The scheduled meeting will merely be a repetition of the issues discussed this evening, most of them being postponed to the next meeting. At least I will be able to read in the minutes about what happened following the meeting about the omnibus stop, something that is keeping me awake at night with the worry."

Friday 14th October

"Part of the trouble is that *I have less to do than a district councillor,*"

Saturday 15th October

"I suppose, though, that this makes some sense to the long-haired female Home Secretary, Mrs. May, who might be better employed serving as a chairman of a branch of the Wimmin's Institute."

Saturday 15th October (appears to be racist).

"If the BBC wants to save money, why does it not restrict programmes to the hours from 5.0 p.m. to about 11.30 p.m., playing the National Anthem at the end, just as in the good old days when all the television newsreaders wore evening dress. In those days, when television was worth watching, with an interval during the Sunday evening play, all the newsreaders were white, but then in those faraway days we didn't live in a happy and harmonious multicultural society, gobbling up the national dish of chicken tikka masala. Yum, yum!"

Monday 17th October

"Oh, dear: it seems that somebody believes I need saving, *stopping me from laughing at district councillors and upsetting people in this diary.*"

Wednesday 19th October

"Presumably any more housing will be for the annual influx of thousands of immigrants after our welfare benefits. It might be better if we started pulling down houses."

Thursday 20th October

"One of my friends sent me an e-mail saying: "Today I tuned into the Lords debate on the Localism Bill and I was amazed to hear of the responsibilities of the Parish Council in the formation of a local plan covering developments in the parish, together with the need to be in consultation with the Local Area Forums to produce an area plan. The whole process is a nightmare!"

"The worse scenario is that every landowner in the parish could submit a plan to develop their land or plot and then you have a referendum on whether you want it or not! Thus just about every plot of land is up for grabs".

"As everybody knows, this will be a wonderful opportunity for all manner of corruption, with backsheesh being paid to members of the Local Area Forums. Time to purchase a stock of brown envelopes."

NEW COMMENTS ADDED FROM 21/10/11.

*Some of these comments appear to be overtly racist and these are underlined.
You will need to read the whole passage in each case to gain full understanding.*

Friday 21st October (Racist. Calling a black man a 'monkey')

It might have been better if the Cameroons had concentrated on the murderous little monkey Mugabee, who has done far more to harm British interests than Gadaffi, but then he has no oil for us to get our hands on.

Wednesday 26th October (Racist)

There was also the equally grim news that the population of Lax Britannica would amount to 70 million within sixteen years, rising by 400,000 every year to 2035, two-thirds of the increase being due to immigration. Why, oh why, do we allow all these immigrants into an already grossly overpopulated country that cannot even managed now to finance its public services? Why do our politicians let us down? Is it through weakness, or the Confederation of What's Left of British Industry, that icon of the Conservatives, wanting cheap labour?

Mercifully, I will not be here by 2035, so I will not have a black, a coloured, or whatever they call themselves these days in their inferiority complex, living next door, playing on the drums throughout the night. This is not racism on my part. Instead it is a belief that England is for the English, not for thousands of indolent immigrants who come here for the welfare benefits, a high percentage ending up in our prisons, as was shown in the report yesterday.

Thursday 27th October

I mentioned earlier that I was frightened about keeping the golloywogs at the end of the diary, fearing that I would have a dawn raid, the front door smashed in by the Thought Police, subsequently being carted off to be appear before do-gooding middle class magistrates, most of them females with nothing to do all day, charged with inciting racial violence, and ending up sharing a cell with a Conservative county councillor.

I thought again about this today, taking the view it would be cowardice to remove the delightful gollywogs, giving in to that hateful Commission for Equality & Human Rights that is a worthy successor to the KGB. However, I decided again that it was too risky, and that accordingly the gollies must go.

Thursday 27th October (response to the complaint to standards, which has been misrepresented). You need to read the whole thing

In the morning's post I received a "private and confidential" envelope, addressed to me as "Councillor John Copeland", from our district council, telling me: "I am writing to let you know the West Lindsey District Council's Monitoring Officer has received a complaint from [REDACTED] and a second complaint from [REDACTED] - our two district councillors for the war]] that you may have failed to observe the Parish Council Code of Conduct. The complaints are to be considered by the Assessment Subcommittee of the District Council's Standards Sub Committee who will now meet to decide what action should be taken. You will not have the opportunity to attend as it is not a public meeting".

The punishments include: "Refer the allegations to the Monitoring Officer for the investigation or some other action such as mediation or training [the training seems very redolent of political correction in KGB days!]; In exceptional cases, refer the allegations to the Standards Boards for England; decide that no action should be taken in respect of the allegations; request further information from the Complainant when it is considered that insufficient evidence has been provided to enable decisions to be made". A decision will be made "within an average of 20 working days".

All this silly nonsense is to do with my mocking of our two district councillors over a 'bus stop that was declared to be dangerous, subsequently being withdrawn when a grumbler complained that the stop did not meet health & safety requirements, the result being that that the complainant now has no 'bus stop! It means that my alleged misdemeanour will be considered by a kangaroo court, to which I will not be allowed to attend, or make any defence.. Ironically, the letter was signed by the "Senior Democratic Officer". Such is justice in this ailing land.

I suppose I have to realise that life has changed a great deal since I was chairman of the local Parish Council in the 1990s. Today's letter was signed by the "Senior Democracy Officer", which we were mercifully free of in my days. Now there is all manner of nonsense about codes of conduct, declaration of interests, and those dreaded risk assessments, and we have to take the district councillors seriously. Mrs. Copeland said at the start that it was a great mistake to go back onto the Council, and she was obviously quite right. I feel like resigning from all the nonsense, but this

would be to give in to these pathetic people, even if I do end up in prison. Thank heavens I took off those gollywogs off this week!

If there are no more diaries after 20 days, it will be realised that I have gone to prison for laughing at district councillors. Maybe, though, I will be able to write them from my cell. I gather that Jeffrey Archer went home to lunch, which would give me some time to write a few scribbled entries.

I Feel I have to register a further complaint against Councillor John Copeland of the Burton Parish Council in addition to the earlier complaint I have submitted.

I therefore believe Councillor Copeland to have breached the Code of Conduct again in respect of;

SCHEDULE THE MODEL CODE OF CONDUCT

Part One General Principles

General Obligations (section 3) (1) *You must treat others with respect*

General Obligations (section 5) *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*

Since that first complaint was submitted Councillor Copeland has continued to make reference to the District Councillors and the District Council on his blog The Diary of a Septuagenarian.

This blog can be found at URL <http://www.johncopeland.clara.net/>.

The entry for the 29th October 2011 is particularly scathing of the two District Councillors and makes reference to their personal lives and to other things they do or are a member of. Given that Burton is in the Saxilby Ward and the Ward Councillors can be found on the West Lindsey Website it would not take much detective work to decide to whom Councillor Copeland is referring to through that diary entry.

I shall, with apologies for its length, reproduce the full text of that entry later, in this document, but at this time I would make reference to comments there-in.

Councillor Copeland says on the entry for 29th October 2011

The trouble started when a resident on the village's housing estate complained that a 'bus stop he used only had a grassed area, and therefore did not meet health & safety requirements. Consequently, numerous e-mails were generated, in which the district councillors and an officer of the County Council's Highways Department had their say, one of the district councillors writing at great length, obviously earning his £6,750 remuneration that he received in the last financial year from the authority..

As one of the District Councillors for the Saxilby ward is female and one mail clearly the reference to earning £6,750 remuneration refers to myself as it clearly states "earning his". The reference to the Village's Housing Estate is a reference to Burton Waters and the people who live there, in the parish of Burton deserve and are entitled to the respect of one of their Parish Councillors just as anyone else is.

Councillor Copeland continues in his blog;

In responding to the e-mails in my capacity as a parish councillor, I suggested that it was all a lot of nonsense over nothing, and that the grumbler should be thankful that he had a 'bus service at all, adding that it was a pity our district councillors had nothing better to occupy their time.

As I recall this response was a good deal more forthright in its response, and the comment about the District Councillors is again added in a disparaging and disrespectful manner, as both District Councillors had sought to help with the situation over the bus stops in question on the A57 and that to my mind is exactly the sort of issue that District and County Councillors should be involved in.

My fellow ward Councillor then responded in a proper manner to the comments made by Councillor Copeland and the text involved forms part of the entry for the 29th October 2011 which is re-produced at the end of this submission.

Councillor Copeland then continues on this his blog and states;

What upset me so much was that the two complaining district councillors, one of them religious (always the most difficult people to deal with) and the other a schoolmarm, did not have the courage or courtesy to tell me that they were sneaking to the "Monitoring Officer". I suppose, though, that is within the personality profile of parish pump politicians.

I am a licensed minister in the Church of England and have been for the past eighteen years again it is not difficult to discover to whom Councillor Copeland is referring as my details as a minister are out in the public domain. Similarly I suspect it would not be difficult to find the identity of the other ward councillor as she is referred to as a "schoolmarm" again there is the reference there then to the fact of my fellow ward councillor being a schoolmarm which term would hardly be applied to a male.

There is no suggestion that we are "sneaking to the Monitoring Officer" it is realised that such referrals to Standards are made in the full light of a disclosure to the Councillor being complained about and in the fullness of time may be made public.

Throughout the blog entry for 29th October 2011 Councillor Copeland is disparaging of the District Council, its officers and the two members representing the Saxilby Ward. He is not content with the code of conduct principles and is critical of the Standards Process to which he signed on becoming a Parish Councillor again in May 2011.

The full text of the Blog entry for the 29th October is reproduced now as further evidence in its context.

FRIDAY 28 OCTOBER

I mentioned in last week's diary that the "Senior Democratic Officer" (suggesting, God forbid, there are other "democracy officers" in the department, presumably junior officers) had sent me a letter saying that the two district councillors for our ward had complained to "District Council's Monitoring Officer" that I "had failed to observe the Parish Council's Code of conduct", and that the complaint "would be considered within the next 20 days by the "Assessment Sub-Committee of the District Council's Standards Committee".

In this letter from the female "Senior Democratic Officer, I was informed that, "You will not have the opportunity to attend as it is not a public meeting". Additionally, I was told in the letter that "A written summary of the allegation will only be provided once the Assessment Sub-Committee has made its decision", which is somewhat redolent of the Queen in "Alice's Adventures in Wonderland" saying: "Sentence first - verdict afterwards". I therefore have no opportunity to defend myself against the undisclosed allegations made against me, not being allowed to attend the hearing.

The trouble started when a resident on the village's housing estate complained that a 'bus stop he used only had a grassed area, and therefore did not meet health & safety requirements. Consequently, numerous e-mails were generated, in which the district councillors and an officer of the County Council's Highways Department had their say, one of the district councillors writing at great length, obviously earning his £6,750 remuneration that he received in the last financial year from the authority..

Subsequently, because the stop was declared by the Highways Department to be dangerous on grounds of health and safety, the 'bus stop was removed, with the 'bus company rightly saying that they wanted extra money if they had to re-route to use an alternative stop. The result: the complainant had the 'bus stop taken away, so that he can no longer use it. How you have to laugh!

In responding to the e-mails in my capacity as a parish councillor, I suggested that it was all a lot of nonsense over nothing, and that the grumbler should be thankful that he had a 'bus service at all, adding that it was a pity our district councillors had nothing better to occupy their time. For his part, the chairman of the Parish Council asked what had become of commonsense.

My responses brought an angry e-mail, copies sent to all the other e-mail recipients, from one of the district councillors who, complaining about my naughty behaviour, sent me the following reprimand:-

"Dear John . I note with some concern the disparaging tone you take when referring to a member of the public who has raised concerns, as well as your equally dismissive comments about district and county councillors. May I remind you that you became a parish councillor of your own free will and having done so, you are expected to maintain certain standards of respect and professionalism with those who need you help. You may think that this person, of whom you say: 'and I assume he is a geriatric from the estate' is making an unnecessary fuss, but he clearly feels that his councillors can do something to help and so he has asked for that help.

"Your comment: 'and serve the old grumbler right for causing us all so much worry and stress, having to send e-mails all over the place' falls far short of the high standards I usually experience when dealing with Parish Councillors. Your comments about district and county councillors: 'but our County council, which gives the unfortunate impression of existing primarily for the benefit of the officers and councillors, rather than for any service provision for council taxpayers. I suppose this has at least given our district and county councillors something to do, something to get their teeth into at last', demonstrates a breathtaking lack of knowledge of our work and, because other people are more accurately informed of what we do on a day to day basis, make you look sadly out of touch. I would be more than happy to update you on district council work if you should feel the need. Yours sincerely...."

I ignored the e-mail, regarding it as too silly for words. To have responded to it would have meant only engaging in further acrimonious and pointless correspondence. No doubt the judgement of the kangaroo court will be for me to be thrown off the Parish Council, having no chance to answer the allegations, found guilty of having dared to criticise district councillors. Alternatively, I could be subjected to some political corrective education, all very redolent of the KGB of yore.

What upset me so much was that the two complaining district councillors, one of them religious (always the most difficult people to deal with) and the other a schoolmarm, did not have the courage or courtesy to tell me that they were sneaking to the "Monitoring Officer". I suppose, though, that is within the personality profile of parish pump politicians.

In this diary I will report in full the judgement when it comes some twenty working days from the 24th October, thereby enabling people, especially those overseas, to see how British justice works in a Toy Town district council. Meanwhile, I have written to the Standards Board for England, enclosing the letter from the "Senior Democratic Officer", complaining about a judicial procedure that does not allow me to defend myself, and which does not disclose the complaints until a decision has been made..

I am also sending the letter to our local Member of Parliament and to our MEP, pointing out the kangaroo courts that exist in local authorities, punishing anybody who dares to criticise a district councillor. Additionally I propose taking the matter up with the local press. I am certainly not going to be beaten by puffed up parish pump politicians who believe they are God's gift to the community. "No way!"

I was pleased that one of my fellow councillors, having seen all the ridiculous e-mail correspondence, assured me: "John we are all right behind you..... peeping through our fingers", and another commented: "I thought that we lived in a land of free speech. Don't resign. You must have touched a nerve for them to grumble and whine so much. We should be free to criticise."

I should have thought that it was for the Parish Council to decide whether I had infringed its Code of Practice, not some district council kangaroo court that will obviously support its own councillors, but that apparently is not the way justice works in a district council.

In conclusion I will say that the overall tone of the whole entry is not the sort of comment and character I would expect from my Parish Councillor and one who has only recently in May 2011 signed the code of conduct in acceptance of office. A code of Conduct, which Councillors are supposed to have read, before signing their acceptance and declaration of office.

Clearly this blog and its entries are kept for a period of about a week and then removed from the blog to be replaced by others for the current week but there is an estimate of several thousand viewings of the blog in that time.

[REDACTED]

From: [REDACTED]
Sent: 12 December 2011 18:51
To: [REDACTED]
Subject: Cllr Copeland

This one should have come first.
Regards
[REDACTED]

----- Forwarded message -----

From: John Copeland [REDACTED]
Date: Wed, Sep 21, 2011 at 3:00 PM
Subject: Re: Bus Stops at Odder and Burton Waters
To: [REDACTED]

[REDACTED]

Well said, [REDACTED] At last somebody with some common sense.

Obviously the old fellow who grumbled about the 'bus stop - and I assume he is a geriatric from the estate - had not enough to do with all his spare time, which is a common failing amongst those of us in the season of superannuation.

Let's forget all about the whole issue, the stop remaining closed - and serve the old grumbler right for causing us all so much worry and stress, having to send e-mails all over the place.

What with the Palestinian issue and worrying about this one, I have hardly been able to sleep at nights.

Regards,

John

7

From: [REDACTED]
Sent: 12 December 2011 18:50
To: [REDACTED]
Subject: Fwd: FW: Update Re: Burton Waters - Bus Stops on A57

Dear [REDACTED]
As requested, I will now forward relevant e-mails from Cllr Copeland.
Please find the first below.
Regards
[REDACTED]

----- Forwarded message -----

From: John Copeland <j[REDACTED]>
Date: Sat, Sep 24, 2011 at 10:22 AM
Subject: Re: FW: Update Re: Burton Waters - Bus Stops on A57

[REDACTED]

[REDACTED]

As with the Israeli/Palestinian crisis, I cannot see that this issue can ever reach a settlement.

You say: I hope that LCC will see sense and tell Stagecoach to reinstate both bus stops immediately, but the Highways Department, ever fretful and neurotic about health & safety issues, has said that the 'bus stop is too dangerous to use, presumably on account of waiting passengers sinking into the wet grass, disappearing from sight.

Presumably the only possibilities are for the local authority to spend the estimated £3,000 for providing a hard area, or to give a further subsidy to the 'bus operator, but our County Council, which gives the unfortunate impression of existing primarily for the benefit of the officers and councillors, rather than for any service provision for council taxpayers, fortunately has no money for such unwarranted expenses. For its part, the 'bus company will certainly not pay any money for a revised stop, having no legal obligation, and neither should it be expected to do so for just a handful of passengers.

I suggest that we therefore forget about the issue that has resulted in a grumbler from the estate losing a 'bus stop. Maybe he ought to be reminded that we live in the countryside, where we do not want to see ugly concrete 'bus stops all along the highway, preferring to risk sinking into the mud on a grassed area.

Regards,

John Copeland

[REDACTED]

From: [REDACTED]
Sent: 12 December 2011 18:52
To: [REDACTED]
Subject: Cllr Copeland

and the next....

----- Forwarded message -----

From: John Copeland [REDACTED]
Date: Mon, Sep 26, 2011 at 9:34 AM
Subject: Re: FW: Update Re: Burton Waters - Bus Stops on A57

[REDACTED]

Will this ridiculous and overblown saga never end?

I suppose it has at least given our district and county councillors something to do, something to get their teeth into at last, but even so it all seems so utterly crazy, having generated so many worthless e-mails.

Presumably the grumbler on the estate belately realises the folly of making complaints, now finding that he has no 'bus stop at all, the County Council, terrified of health & safety rules and regulations, having removed the stop on fears that waiting passengers could sink into the grass, thankfully never to be seen again.

Perhaps the grumbler should accept Voltaire's advice: "Be content with things that work moderately well".

John Copeland

[REDACTED]

From: [REDACTED]
Sent: 02 January 2012 22:55
To: [REDACTED]
Subject: RE: Response to Draft Report

While I do not fundamentally disagree with what [REDACTED] says, I had not intended to comment on the report as it will serve very little purpose now that Mr. Copeland has resigned as a Parish Councillor. There will now be no realistic possibility of an apology to anyone from him and the standards committee are not able to uphold anything against a private individual even if they were a former councillor. He couldn't be barred from holding public office for these occurrences in any case, but were he to seek election again to public office then I believe for a period of time these complaints are able to be resurrected. Which time that were to happen that would be my course of action at that time.

Sadly those of us in public life have to be subject to all sorts of untruths and accusations from individuals and unless they are actually defamatory, libellous or scandalous the law is very clear on freedom of speech and while one or two of these things have been "sailing close to the wind" there would be no real prospect of a conviction in court against Mr. Copeland for anything that he has said about either district councillor. If that were taken to logical conclusion then most politicians of any level would be in court every other week.

My complaints against Mr. Copeland did not make reference to his clear racist views and statements and so as such I cannot comment further on them now that the report has been published which would be unethical. I am surprised, as I know others are, that there was no upholding of a conviction by the CPS, but given my other hat perhaps I shouldn't be, though in my view clear hate crime has been committed.

I do agree that when [REDACTED] says that when a Policeman (or for that matter a Magistrate) comments on the law, when they do so they might be doing so as a private individual but public perception is that they are doing it as a holder of their office. That I believe and continue to believe is the case with Mr. Copeland, he was fully aware that his comments would be perceived as his comments coming from him as a Parish Councillor. Had he remained in office then I would have wished to continue to press this totally as the only hold over him was the code of conduct to which he is now no longer subject. In some ways resignation was an escape from the process as there is now not really much point in it continuing and the usual case in the past has been once a councillor has resigned the standards committee ceases to continue the complaint but just keeps it on file for a period.

In conclusion while I do not intend to make comment or challenge the report on my own complaints I will support councillor [REDACTED] in what she has said and will if required stand witness at any hearing for those complaints, assuming my own will now fall by dint of the resignation.

Regards

[REDACTED]

NOT FOR PUBLICATION (including blogs and online diaries) unless published in full.

Complaints about Mr John Copeland.

Response to Draft Report

While I agree with some aspects of this report I believe that it does not completely answer some of the complaints made against Mr Copeland. I also feel that some of the arguments used to dismiss certain complaints do not fully hold up and I will respectfully attempt to show this. I will use the same numbering system as the report for ease of reference. There is necessarily a certain amount of repetition.

Page 1, Section A. Point number 3.

It's not really accurate to say that I *reported* extracts of Mr Copeland's diary to the police. I was extremely unhappy about the arrogant and overt racism in some sections of his diary and I phoned the police for advice on whether or not this was a crime. My intention was to write to Mr Copeland to warn him of the dangers of such comments being made by a councillor. However, the police officer who took the call said 'I'm not having that' and immediately gave it an incident number. The police then looked into things in more detail and, on the advice of the CPS, warned Mr Copeland about his behaviour and gave him a copy of the relevant section of the Public Order Act. I confirm that I absolutely wanted his racist comments to stop as I found them very inappropriate.

Page 4, Point 21.

Mr Copeland is quoted as saying that he has never named and criticised individual councillors. This is not true. He has named [REDACTED] and myself on a number of occasions and had also identified us other ways. He has also identified other councillors without using names and has openly accused them of corruption.

I quote from his diary of 11th October: -

you would have to be on the planning committee to accept the backsheesh

This is not implied or disguised. It reads as a clear comment that members of the planning committee take bribes. The individual members of the planning committee can easily be identified by any member of the public who wishes to do so.

Furthermore, when one is a councillor, it is not possible to be so only part of the time. One is a councillor for the whole of one's elected period. There is a public expectation that councillors have more knowledge of the workings of the council than members of the public, so here we have a councillor clearly telling the public that other councillors are corrupt. This brings the *office* of councillor and other identifiable councillors into disrepute, very seriously so, in fact.

On 19th October he says: -

"As everybody knows, this will be a wonderful opportunity for all manner of corruption, with backsheesh being paid to members of the Local Area Forums. Time to purchase a stock of brown envelopes."

Again, this is not implied and Mr Copeland has clearly called members of the Local Area Forums corrupt. I am one such member and this accusation is very damaging to me because I stood for election on a platform of honesty. I am also a teacher and have to report any such accusation to my Chair of Governors, which I have done. Despite what Mr Copeland said, at the time of writing this he was *not* a member of the public and he spoke with the authority of a councillor. If a police officer makes a public statement about something relating to the law he is believed because he is a police officer. This councillor made a damaging and inaccurate public statement about matters

relating to council work and as such he carried the weight of authority attached to his office. He has again damaged the office of councillor. The code of conduct states: -

Para 5... You must not conduct yourself in a manner which could easily be regarded as bringing your office into disrepute.

The Burton Parish Code also says councillors must not behave in such a way that they: -
Bring the office of councillor '*or your authority*' into disrepute.

This is clearly the case here because Mr Copeland's words have brought the office and personal reputations *of other councillors* into disrepute, so damaging both the office and the authority.

Furthermore, in his diary, Mr Copeland regularly gives misinformation to members of the public based on knowledge gained *because he was a councillor at the time*. He could not have been the subject of a standards committee investigation unless he was a councillor and he has used that situation to mislead members of the public, via his diary, into thinking that the process is corrupt (a kangaroo court with no right of reply, an inquisition etc).

This is damaging to the council's reputation and so Mr Copeland has again brought the authority into disrepute.

He has also named [REDACTED] and myself and has grossly misled members of the public about the way we have behaved. Can I please make clear that neither [REDACTED] nor I have ever complained about Mr Copeland laughing at District Councillors, which is one of the things he misrepresents in his diary? One expects a certain amount of banter or challenge in local public life and laughter is a happy thing and is good for all of us. However, I don't see much laughter in Mr Copeland's efforts, only rudeness and sneers. A great shame. The attacks on us are very odd, almost a fixation. I've only met Mr Copeland twice and I spoke to him on only one of those occasions so this 'bee in his bonnet' about district councillors is fascinating, if a little disturbing.

Page 5, Point 33

In this point Mr Copeland is quoted as saying that he is speaking as a private individual in his diary. While this is partly true it is not wholly so. I mention again that this could not have been done by a member of the public in the same way, because a member of the public could not, for example, be the subject of a standards investigation.

Page 6, Point 36

Although each diary entry is removed after a week, many of them are still available on the servers. They are 'cached' and are still on the internet for people to see. This isn't true of all entries but it is easily possible to find a number of them going back for many years. It is therefore not true to say that readers are limited to one week's entry. The fanciful and misleading remarks are available long after that.

Page 6, Point 37.

After reading this point in the report I checked the old diaries and found that Mr Copeland seems to be giving inaccurate information about the number of hits on his diary. In the diary ending 29th December he said:

'I was rather surprised to see on the counter on my diary that the number of hits so far this week showed 1,574, far more than the usual 450.'

If we take 450 as the norm, a diary entry each week gives us **23,400** hits per year, not the 1956 quoted in the draft report. Even if some people look more than once, that means that a lot of people are reading this misinformation. I assume that the increased numbers are because of his ongoing vendetta against district councillors, but if that's the case, and it's reasonable to suppose that it is, the number accessing it over a year would be **81,848**, which means that his misinformation will be seen and possibly believed by many people. It's such a shame because he could have made a really useful contribution instead of just being so destructive.

Page 6, Point 44.

The quotation from the CPS makes it clear that the racist comments are unsuitable for a councillor to make. We have evidence here that even the Crown Prosecution Service sees the racist comments in Mr Copeland's diary as those of a councillor. I quote: -

'I do not consider that these are views that should be openly voiced by councillors and I recommend that Mr Copeland should be given words of advice regarding his future conduct'.

In other words, the CPS has asked for him to be warned about his conduct by the police *because he is a councillor, even though the words were written in his diary.*

Page 7 Point 51.

Mr Copeland has indeed been very disparaging about identifiable councillors, including [REDACTED] and myself. The fact that he doesn't always use names is irrelevant as our identities are clear. To be honest, I'm not really bothered about this because it shows his fundamental lack of courtesy and it's just attention-seeking nonsense. However, sustained personal attacks are, in my opinion, bullying and can be harmful, which is also in breach of the code.

I am intrigued as to why a man I hardly know would spend such a large amount of time going to the trouble of making so many highly personal, negative comments about [REDACTED] and myself. The thing that *does* bother me is the misinformation he's put out about us. For example, he says that we didn't complain directly to him and went behind his back, when he knows perfectly well I wrote to him first. Some of the attacks on us have an irrational feel to them, like the fixation I mentioned, which is a bit worrying.

Page 8 Point 56 and 57

The code of conduct applies when we as councillors: - ***'give the impression you are acting, in your official capacity or as a representative of your authority'***

One does not actually have to be acting as a councillor at the time to be in breach of this code. I therefore dispute the findings of point 57, especially as my view is supported by the Crown Prosecution Service.

Page 8 Point 58.

I respectfully suggest that this does not interpret the code of conduct correctly. One does not have to be acting as a councillor to be in breach of the code; one only has to ***give the impression of*** acting or representing one's authority. Misrepresenting processes gained from one's role as a councillor is just such an occasion, as is a situation where one councillor leads members of the public to think that other councillors are corrupt.

Page 8 Point 59.

I cannot agree with this because he is clearly giving views based on his council activities, as has been shown by the CPS and the fact that Mr Copeland couldn't have known about much of this if he were just a member of the public.

[REDACTED]

From: [REDACTED]
Sent: 03 January 2012 10:24
To: [REDACTED]
Cc: [REDACTED]
Subject: More Comments

Not for publication (including in blogs and online diaries) unless published in full and with my knowledge.

Dear [REDACTED]

I would like to add the following to my comments on your draft report, please: -

Mr Copeland has now resigned as a councillor but this is irrelevant to the standards process. His actions were carried out while he was a councillor and I feel that it is extremely important for the standards committee to reach its conclusions in the way it would have done if he had remained in office. The outcome of course will be different because effective sanctions cannot be imposed. However, it is still possible to bar Mr Copeland from office for a period of time and to have a judgement on record that he breached the code of conduct, if that is what the committee concludes. He is still misleading people and is drip-feeding damaging inaccuracies into the public consciousness. His very public show of disdain for the code, which he signed and to which he should have adhered, runs the risk of undermining public confidence in the council. His disgusting racism, his disrespect for ward residents and his unsupported accusations against identifiable councillors, all voiced while he was a councillor, cannot be ignored or we risk giving the message to members of the public that councillors can do what they like with no regard for decency and accuracy.

Yours sincerely
[REDACTED]

From: John Copeland <johncopeland@clara.net>
Sent: 17 December 2011 09:25
To: [REDACTED]
Subject: The Inquisition

Mr. [REDACTED]

I have resigned from the Parish Council with immediate effect, no longer being able to tolerate the ridiculous and long-winded meetings that achieve absolutely nothing.

Last Tuesday I attended the Parish Council meeting, intending to be in a sweetness and light mode, but I only lasted for half the 17 agenda items before walking out, telling the chairman that I had had enough of all the nonsense, which included seeing one of our district councillors tapping away on the £450 laptop that the council taxpayers had provided for him and the 36 other elected members of his Toytown Council

After their underhanded behaviour in reporting me to the £88,271-a-year Monitoring Officer, I know that I could never respect our two ward members, particularly that woman, and that my continued presence on the Parish Council would only make it even more difficult for the chairman. However, I will in future attend the Public Question Time at the Parish Council meetings, thereby somewhat ironically being able to criticise the district councillors whenever they fall short of their duties without having to abide by a Code of Conduct.

After an appropriate lapse of time, a reader of my diary, a journalist who deals in media relations - a kind of Max Clifford - will be taking up my case with the national press, putting forward the 7 pages of complaints that were directed against me by the woman, thereby allowing readers to make their own judgement on her complaints. I will, of course, be presenting the complaints in full in a future edition of my online diary.

In view of this resignation, I do not wish to take any further part in the Inquisition, continuing to believe that, with the District Council unfairly serving as judge and jury in its own specially constituted court, the biased proceedings represent a travesty of English justice. Accordingly, I hope you will realise that I do not wish to see your report, which will be unopened and discarded if it is delivered to me.

I have appreciated the fair and even-handed manner in which you conducted the interview, presumably the only reasonable part of the unpleasant proceedings. Nevertheless, I hope that you understand my reasons for the resignation, especially as I believe I can serve the village far better as a private citizen rather than wasting my time in a talking shop that has no purpose or powers.

Kind regards,

John Copeland

Procedure for Hearing

(Cases 65 – 68) – Former Councillor John Copeland – Burton Parish Council)

Welcome everyone to this Hearing, including any press and members of the public.

1. Apologies for absence.
2. Appointment of Chairman for Hearing.

Ask for Panel member agreement that you should take the Chair

3. Members Declaration of Interest.

Members may make any declarations of interest at this point, but may also make them at any time during the course of the hearing.

4. I have examined and considered all documentation and correspondence which has been undertaken in connection with the pre-hearing activities.

I am satisfied that due consideration has been given by West Lindsey District Council to all relevant facts and circumstances and that Councillor Copeland has been given every opportunity to engage in the pre-hearing process but has declined to do so. Can Officers confirm this to be the case?

I understand from the documentation that Councillor Copeland will not be present at the Hearing and thus no witnesses are to be called.

If Councillor Copeland is in attendance, can I request that he makes himself known to the Panel please?

I also understand the complainants are not in attendance today?
Can I ask if they are in attendance they make themselves known to the Panel please?

This being the case, and we do have a quorum, I propose that the Hearing proceeds.

5. Introductions:

I am an Independent Member, and in this capacity, I was co-opted on to West Lindsey District Council to serve on their Standards Committee. [REDACTED] is a serving Parish Council representative on West Lindsey District Council's Standards Committee, [REDACTED] is a serving District Councillor and Member of the Standards Committee. [REDACTED]

is the Deputy Monitoring Officer for West Lindsey District Council and will be the Panel's Legal Advisor for the Hearing. [REDACTED] is the Senior Democratic Officer and will be clerk for the Hearing. [REDACTED] is the Investigating Officer.

6. Press and Members of the Public.

Can I ask the Investigating Officer (and Councillor Copeland) whether they wish to put forward any reasons as to whether they wish to exclude the press or members of the public from the hearing?

If there are no reasons put forward, then I will assume it is thought unlikely any confidential and/or exempt information will be disclosed during the Hearing.

While these proceedings are open to the public, the use of mobile phones, pagers, tape recorders or cameras are not allowed.

Action: Formally resolve that press and the public be/be not excluded. Clerk to circulate papers to any public present.

7. Procedure:

The procedure to be adopted is that of the Standards Board for England. The Investigating Officer will present his report, and after this he will be open to questions from (Councillor Copeland) members of the panel (and the complainant).


(Councillor Copeland) will then be given the opportunity to present his case, and he will also be open to questions from the Investigating Officer, members of the panel (and the complainant).


Note: Questions must relate to the content of the report.

The purpose of this Hearing is to test the robustness of the report which has been produced by the Investigating Officer, [REDACTED] following his investigation into complaints made against Councillor Copeland.

All have had a copy of this report, and have had adequate time to study its contents.

8. Nature of Complaint:

 The nature of the complaint is as set out in [REDACTED] report (referenced DOC B) which was circulated with the Hearing Papers, and is summarised in section A page 1 of his report.

 As Chairman appointed for the Hearing, it is my duty to ensure that a fair and objective procedure takes place, so I will ask the panel

members, the Investigating Officer, subject member, (as well as the complainant) to direct all their questions through the Chair.

I would now ask the Investigating Officer to present his report.

I now invite Councillor Copeland 's questions on the report.

I now invite the panel to question the Investigating Officer.

(I now invite the complainant to question the Investigating Officer).

I now invite Councillor Copeland to present his case and make any comments with regard to the complaint and the report.

I now invite the Investigating Officer to question Councillor Copeland .

I now invite the panel to put questions to Councillor Copeland .

(I now invite the complainant to put questions to Councillor Copeland

I now invite the Investigating Officer to sum up the proceedings.

Is there anything Councillor Copeland would like to add before the Panel considers, in private session, whether indeed a breach of the code has taken place?

If a breach, then the panel will consider any separate or further representations, Form C and/or oral representations by way of mitigation from Councillor Copeland .

The Panel will then consider in private session the appropriate sanction/s, and thereafter inform everyone of the sanction/s which have been applied.

Can I ask all parties, the Investigating Officer, (the complainant), press and members of the public, to remain in the room during this time.

(PANEL LEAVE)

PANEL RETURN – CHAIR READ OUT DECISION NOTICE AND ISSUE TO ALL PERSONS PRESENT.

If a breach, advise of the requirement to publish the findings in the local press (in the event of a breach being identified).

If no breach seek direction from subject member as to whether wishes findings to be published (as it is their discretion in this instance).

END OF HEARING



WEST LINDSEY DISTRICT COUNCIL

MINUTES of a Meeting of the Standards Committee (Hearing Panel) held in the Council Chamber at The Guildhall, Gainsborough on Wednesday 23 May 2012 commencing at 4.00 pm.

Present : Mr Michael Airey - Chairman and Independent Member
Councillor John Hill - Parish Council Representative
Councillor Paul Howitt-Cowan - District Council Representative

In Attendance : Alan Robinson - Deputy Monitoring Officer
Katie Coughlan – Governance and Civic Officer

Also in Attendance : Mr John Wilson - Investigating Officer
District Councillor David Cotton (Complainant)

Apologies District Councillor Jackie Brockway (Complainant)

1. CHAIRMAN FOR THE MEETING

Mr Michael Airey (Independent Member) had been nominated as Chairman for the meeting and it was proposed and seconded that this nomination be re-affirmed.

Mr Airey took the Chair for the remainder of the meeting.

2. MEMBERS' DECLARATIONS OF INTEREST

There were no declarations of interest made.

3. INTRODUCTIONS

All Members of the Panel and Officers in attendance were introduced to the meeting, and details of their role in relation to the Hearing were given.

4. APPROVAL OF PRE-HEARING ACTIONS BY THE CHAIRMAN

The Chairman confirmed he had examined and considered all documentation and correspondence in connection with the Pre-Hearing Activities in respect of this case and advised he was satisfied that due consideration had been given by West Lindsey District Council to all of the relevant facts and circumstances. He further confirmed

that he was satisfied former Councillor Copeland had been given every opportunity to engage in the pre hearing process but had declined on every occasion to do so. Confirmation was sought and received from Officers that this was indeed the case.

Therefore, arising from the Pre-Hearing Activity and in the absence of any response from the subject Member thereto, the following was confirmed: -

- Former Councillor Copeland would not be present at the Hearing and thus would not be calling any witnesses.
- It was unknown as to whether former Councillor Copeland disputed any of the facts contained within the Investigating Officer's report.
- Former Councillor Copeland, in view of his non response had cited no reasons as to why the public and press should be excluded from the meeting.

Arising from the Investigating Officers Pre-Hearing Matters Responses the following was confirmed:

- The Investigating Officer would be presenting his case and would not be calling any witnesses during the proceedings;
- In light of former Councillor Copeland failing to engage in the Pre Hearing Activity no new or significant issues had been raised; and
- The Investigating Officer had cited no reasons as to why the public and press should be excluded from the meeting.

The Investigating Officer confirmed this to be the case.

Indication was sought from the Chairman and duly provided that only one complainant was in attendance.

Finally it was noted that no audio or visual recording of the proceedings would take place.

5. EXCLUSION OF PUBLIC AND PRESS

The Chairman advised that the Meeting of the Hearing Panel would be open to the public and press unless confidential or exempt information under Schedule 12 A of the Local Government Act 1972 and regulations was likely to be disclosed.

The Investigating Officer reaffirmed that he had no reasons as to why he would wish the press and public to be excluded from the meeting.

On that basis it was:

RESOLVED that under Section 100(A)(4) of the Local Government Act 1972, the public and press be not excluded from the Hearing and thus the Hearing proceed in public.

6. EXTRACTS FROM THE COUNCIL'S ADOPTED PROCEDURE RELATING TO THE PROCEDURE AT THE HEARING PANEL; DECISION BY THE HEARING PANEL; APPEAL PROCEDURE; NOTICE OF FINDINGS AND CONFIDENTIALITY AND DISCLOSURE OF INFORMATION.

The Chairman referred to the above document, which had been circulated with the agenda and outlined the purpose of the Hearing, and the procedure which would be followed.

All parties confirmed they had been provided with all of the information and that they had no questions or queries which they wished to raise regarding either the document's content or procedural matters.

7. TO DETERMINE IN ACCORDANCE WITH THE LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003 ISSUED UNDER SECTION 66 OF THE LOCAL GOVERNMENT ACT 2000 THE REPORT OF AN INVESTIGATING OFFICER INTO ALLEGATIONS CONCERNING BURTON-BY-LINCOLN (FORMER) PARISH COUNCILLOR JOHN COPELAND

The Chairman summarised the nature of the complaints and the allegations which had been made against Councillor Copeland.

It was noted that the complaints received were appended as documents 2, 3 and 4 to the Investigating Officer's (IOs) report (referenced DOC B) which had been circulated with the Hearing Papers, and that these were also summarised in section A page 1 of the IOs report.

The Chairman outlined the purpose of the Hearing, to all those present, and confirmation was sought and provided that all those present had received a copy of the Investigating Officer's reports prior to the Hearing.

The Investigating Officer was invited to present his report, and in doing so, gave a summary of its content and the paragraphs of the Code he considered to be relevant.

The method adopted by the Investigating Officer in undertaking his investigation was also outlined to the Hearing, together with his reasoning for such an approach. Guidance from Standards for England, including guidelines on a number of definitions applied in determining whether a breach of the Code may have occurred, had been taken into consideration in reaching his conclusions, in particular that of official capacity, and treating others with respect.

The Investigating Officer's presentation concluded with him setting out his findings as a result of the investigation, namely, that :

- as a result of his actions, in relation to the matter of the planning issue discussed at the Parish Council on 11 October 2011, former Councillor

- Copeland had not breached the Code of Conduct as his comments were not directed towards an individual, rather the District Council as a Body;
- as a result of his actions, in relation to the matter of the Burton Waters Bus Stop, former Councillor Copeland had breached paragraphs 3 (1) and 5 of the Code of Conduct as the e-mails had been regarding council business, (a formal complaint raised by a resident), copied to all Members of the Parish Council and thus deemed to have been sent in his official capacity; and
 - as a result of his actions, in relation to all the diary entries, whilst a number of the comments former Councillor Copeland made thereon could never be condoned, the test for official capacity had not been met and thus the Code was not engaged.

The Panel noted that former Councillor Copeland had not opened or commented on the IOs report at any stage.

The Panel then questioned the IO in relation to the blog entries and the official capacity test which had been applied. In responding, whilst acknowledging the Panels' comments that former Councillor Copeland was an experienced former local government Officer and a previous District Councillor, and thus arguably should not plead ignorance, and that in small rural communities residents would find it difficult to separate a Members official capacity from that of their personal capacity. However, ultimately former Councillor Copeland's behaviour, on this occasion, had not met the nationally applied test to engage the Code of Conduct in the opinion of the IO. The IO referred to paragraphs 59 – 63, of his report and again whilst acknowledging there was a counter view to his finding, indicated that on the balance of probability and in the absence of any hard, robust evidence, he stood by his finding. It was noted that the lack of action taken by the Police had also had a bearing when looking at this issue.

The Panel then questioned the IO on the matter of the planning issue and sought to understand as to why he had reached the finding he had given that the comments had been made at a Parish Council Meeting, so clearly former Councillor Copeland could be deemed to have been in his official capacity. In responding the Investigating Officer made reference to paragraphs 21 – 25 which contained a summary of the comments former Councillor Copeland had made when interviewed by way of explanation. The IO again referred to the test applied regarding treating others with respect, and on the balance of probability had found no evidence to suggest an attack of a personal nature had been made.

The Panel indicated their disagreement to this and the complainant confirmed that the language and the tone in which the comments had been made, were in his view, more of a personal attack rather than a challenge of policy and furthermore they were in a public arena with local residents present. The Panel indicated that given former Councillor Copeland was an educated and experienced gentleman, they considered this to be an aggravating factor and were on "the other side of the balance of probability".

Finally it was noted that the former Clerk to the Parish Council had been interviewed but her comments not documented. In response the IO indicated that she had not

wished her comments to be placed on record but confirmed that she had stated former Councillor Copeland's behaviour had been amongst the reasoning she had chosen to resign from the post.

The Chairman thanked the Investigating Officer and the complainant for their comments.

The Panel adjourned to consider the matter at 4.35 pm and returned at 5.05 pm when following consideration of the papers, the Chairman announced the Panel's findings and their reasoning for such, as follows:

- 1) The Respondent **failed to** comply with Paragraph 3 (1) and 5 of Burton-by-Lincoln Parish Council's Code of Conduct in that he failed to treat a Member of the Public with respect, through e-mail communications which related to the matter of the Burton Waters Bus Stop, in which he called said Member of the public "a grumbler and a geriatric" and thus was behaviour which was deemed to have brought the Office of Councillor / the Authority into Disrepute.
- 2) The Respondent **also failed to** comply with Paragraph 3 (1) of and 5 of Burton-by-Lincoln Parish Council's Code of Conduct in that he failed to treat the complainants, District Councillors Brockway and Cotton, with respect as a result of the comments he made during a public meeting of the Parish Council on 11 October 2011 in relation to the District Planning Authority and its Members.
- 3) The Respondent **did not fail** to comply with any Paragraphs of the Code of Conduct in any matters relating to his on-line diary blog entries.

The Standards Committee reached the following decision after considering the written evidence and the submissions of the parties.

In the absence of the subject Member, no mitigating comments were submitted, and therefore, the Chairman further announced that the sanction imposed for the breach was that Councillor Copeland be censured.

The sanction was imposed to recognise the nature of the breach, the public arena in which the incident referred to at (2) above took place and the fact that (former) Councillor Copeland had now resigned from his post.

8 PUBLICATION OF FINDINGS

The Chairman advised of the requirement for the District Council to publish its findings of failure

A copy of the decision notice (attached as Appendix "A" to these Minutes) was made available to all parties.

The meeting closed at 5.10 pm

Chairman



Decision Notice

WEST LINDSEY DISTRICT COUNCIL

West Lindsey District Council Reference Number: CORP/LGR/25(G)
Cases Referenced 65 - 68

Standards Committee Hearing held on 23 May 2012 concerning possible failures to follow the Code of Conduct in respect of: -

- A Failing to Treat others with Respect (Para 3 (1))**
- B Failing to Comply with Equality Laws (Para 3 (2) (a))**
- C Bullying and Intimidation (Para 3 (2) (b) and (c))**
- D Bringing the Office of Councillor / your Authority into Disrepute (Para 5)**
- E Using your Position Improperly (Para 6 (a))**

Member who is subject to the allegation:

(former) Burton-by-Lincoln Parish Councillor, Councillor John Copeland.

The Standards Committee's decision and reasoning for the decision was as follows:-

- 1) The Respondent **failed to** comply with Paragraph 3 (1) and 5 of Burton-by-Lincoln Parish Council's Code of Conduct in that he failed to treat a Member of the Public with respect, through e-mail communications which related to the matter of the Burton Waters Bus Stop, in which he called said Member of the public "a grumbler and a geriatric" and thus was behaviour which was deemed to have brought the Office of Councillor / the Authority into Disrepute.

Reasoning

The investigation into the complaint **found sufficient evidence** to substantiate the allegations.

- 2) The Respondent **also failed to** comply with Paragraph 3 (1) of and 5 of Burton-by-Lincoln Parish Council's Code of Conduct in that he failed to treat the complainants, District Councillors Brockway and Cotton, with respect as a result of the comments he made during a public meeting of the Parish Council on 11 October 2011 in relation to the District Planning Authority and its Members.

Reasoning

The Standards Committee reached the following decision after considering the written evidence, particularly the mitigating comments made by former Councillor Copeland contained within the Investigating Officer's report and having taken into account the guidelines laid down by Standards for England, with regard to treating others with respect, in their publication entitled "The Code of Conduct – Guide for Members 2007", which states: -

".... Ideas and Policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack.....".

It was determined that on balance, Councillor Copeland's (former) comments, particularly those relating to bribes and corruption were not a challenge to Policy and thus were deemed more of a personal attack

- 3) The Respondent **did not fail** to comply with any Paragraphs of the Code of Conduct in any matters relating to his on-line diary blog entries.

Reasoning

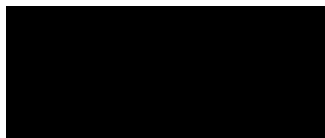
The investigation into the complaint **did not find sufficient evidence** to determine whether or not former Councillor Copeland had been acting in his official capacity and thus the Code was not engaged on this occasion.

Sanctions Imposed and Reasoning:

The Standards Committee reached the following decision after considering the written evidence and the submissions of the complainants.

The sanction imposed for the breaches was that Councillor Copeland be censured.

The sanction was imposed to recognise the nature of the breach, the public arena in which the incident referred to at (2) above took place and the fact that (former) Councillor Copeland has now resigned from his post.



MR MIKE AIREY
Independent Member
Chairman of the Standards Committee Hearing

My Ref SH/KJC/RES/LGR/25(G)(AL)
Your Ref

Your contact for this matter is:
Katie Coughlan

28 March 2012

Mr John Copeland

Dear Mr Copeland

Ref: Complaints of failure to observe Burton Parish Council's Code of Conduct (Cases referenced 65 -68 inclusive)

Further to my letter dated 22 March 2012, the determination meeting of my Council's Standards Committee was held on 26 March 2012, at which consideration was given to the Investigating Officer's final report into the complaints made against you.

It was accepted that there was evidence **that you may have** breached the Code of Conduct and it was therefore resolved that these matters be determined by a Hearing Panel of the Standards Committee.

In line with the Standards Committee's decision, arrangements are now being made to convene the Standards Committee Hearing, in line with the adopted procedure on a date mutually agreeable to all parties.

I should be pleased therefore if you could set out your availability during the two weeks commencing 30 April and 7 May 2012, including your preferred time for the Panel to convene, ie am, pm, or evening, on the appropriate form enclosed herewith (**FORM D Relates**)

You will have the right to attend the hearing to present your case, and you may be accompanied by a lawyer or friend, and may call witnesses in support of your case.

In order to prepare for the consideration of this matter by the Standards Committee, there are certain preliminary issues which need to be dealt with. We seek to deal with these issues by correspondence, and would therefore ask that you, **please complete the attached forms and return them to me within 10 working days from the date of this letter. i.e by no later than Wednesday 11 April 2012.**

FORM A. Identification of any disputes of fact:

In order to enable the Standards Committee to focus on the key issues and to decide what witnesses, if any, will be required, it is necessary to identify in advance any disputes of fact. Please read through the report carefully and use **Form A** to identify any findings of fact set out in that report with which you disagree, and then return the form to me.

FORM B. Other evidence to be taken into account at the hearing:

At that hearing, that Standards Committee will have before it a copy of Mr Wilson's report. He has tried to present a full and balanced summary of the facts, but there may well be matters which you consider are relevant to the allegation but which are not set out in that report, which you would wish the Standards Committee to also take into account in coming to a decision as to whether there has been a breach of the Code of Conduct. I enclose **Form B** and would ask you, please, to complete the form and then return it to me.

FORM C. Representations as to actions to be taken in respect of any breach of the Code:

The Standards Committee has yet to consider the matter and to come to a determination as to whether a breach of the Code of Conduct has occurred. However, if the committee's eventual determination is that there was a breach of the Code, the committee will then need to go on to consider the action to be taken in respect of that breach. At that stage, the committee will wish to hear any representations which you wish to have taken into account in deciding upon any such action. I enclose **Form C**, and would ask you, please, to complete it. I appreciate that you may consider that such information is irrelevant, or even prejudicial, if you dispute whether a breach of the Code has taken place. If you accept that a breach of the Code did occur as set out in Mr Wilson's report, I would ask you, please, to return the form to me now. If you dispute that such a breach of the Code occurred, or occurred in such a manner, I leave it to you to decide whether to retain the form or to return the form to me now, in which case I will hold it in confidence until the committee determines, if it does so, that a breach of the Code did occur. If the committee determines that there has been no breach of the Code, I will return this form to you.

Form D. Arrangements for the Standards Committee hearing:

I enclose **Form D** which deals with many of the practical arrangements for the Standards Committee's hearing, including your availability. Please complete it and return it to me.

The following notes are to assist you in answering each of the questions set out in these forms:

1. The date of the hearing

The Standards Committee will meet on a date and at a time to be agreed to determine this matter. Once the date, time and place of the hearing has been finalised, I will send you a formal request to attend (not later than 14 days in advance of the date of the Hearing)

Please note that the Standards Committee does have the power to determine the matter in your absence, but would only proceed to do so if it was not satisfied with your reasons for failing to attend a hearing organised specifically for the purpose.

2. Presenting your case:

You are entitled to present your own case, or to arrange representation by a lawyer or friend.

3. Representation

You are entitled to be represented at the hearing by a solicitor or barrister or by a lay representative. If you wish to arrange for your case to be presented on your behalf by a representative, please note that you will be responsible for any costs incurred in arranging such representation, including any legal fees and travel and subsistence costs.

4. Legal Representation

This question will help my Council to ensure an appropriate level of representation on the other side.

5. Lay representative

This question is aimed to determine whether any lay representative is to act merely as an advocate or will also be acting as a witness.

6. Witnesses

You are entitled to arrange for witnesses to attend and give evidence to the Standards Committee on your behalf. I need to know what witnesses you propose to call and what their evidence will relate to in order to assess how much time to allow and to make appropriate arrangements such as waiting rooms. This matter is dealt with in more detail in Section E (below).

Please note that the Standards Committee may refuse to admit witnesses where it is of the opinion that the number of witnesses whom you propose to call is excessive or that an individual witness is unlikely materially to assist the committee in determining this matter.

7. Access issues

If you, or your representative, or any of your witnesses have access difficulties, I will try to arrange facilities, or an alternative venue, to enable them to participate fully.

8. Special needs

If you, or your representative, or any of your witnesses have any special needs, I will try to make arrangements to meet those needs. Such special needs might include such matters as the need for an interpreter or Braille facility, or an audio loop to assist hearing. Please also set out any relevant constraints on their ability to attend the hearing, such as unavoidable work or caring commitments.

9. Private hearings

There is a clear presumption that the hearing should be held in public, to ensure that the process is open and fair, unless the Standards Committee is persuaded that there are overriding reasons for the press and public to be excluded from all or part of the hearing. I attach as Appendix 1 a copy of advice provided by the former Standards for England Body, on this issue. If you are proposing to request the Standards Committee to hold any part of the hearing in private, you should outline the reasons which you will put forward in support of this request. You will have the opportunity to put these arguments to the Standards Committee in more detail at the start of the hearing.

10. Confidentiality of documents

The presumption is that any documents which are considered by the Standards Committee at the hearing will be made available for inspection by the press and public unless there are overriding reasons for maintaining their confidentiality. Appendix 1 sets out the definitions of "confidential" and "exempt" information. If any document discloses "confidential" information, the committee is precluded from making the document, or any relevant part of the document, available for inspection by the press or the public. If any document discloses "exempt"

information, the committee has discretion not to make the document, or the relevant part of the document, available for inspection by the press or the public if it considers that the private interest which might be damaged by such disclosure overrides the public interest in such disclosure. If you are proposing to request the Standards Committee to withhold any document(s) from public inspection, you should outline the reasons which you will put forward in support of this request. You will have the opportunity to put these arguments to the Standards Committee in more detail at the start of the hearing.

Please note that my Council **will not** make any documents relating to this matter available for inspection by the press or public prior to any determination on this point at the start of the hearing, unless the particular document is already in the public domain.

Form E . Witnesses

I need to know what witnesses you propose to call and what their evidence will relate to in order to assess how much time to allow, to make appropriate arrangements such as waiting rooms and to determine whether the Standards Committee is likely to benefit in the determination of any points of dispute from the attendance of John Wilson or any other witness. Please note that the Standards Committee may refuse to admit witnesses where it is of the opinion that the number of witnesses that you propose to call is excessive or that an individual witness is unlikely materially to assist the committee in determining this matter. Please complete **Form E** and return it to me.

F. Documents

At least 10 working days before the date of the hearing, I will send out to each member of the Standards Committee Hearing Panel and to you a formal agenda together with a file of all documents relevant to this matter. This file will include Mr Wilson's report and copies of Forms A B D and E as completed by you. In addition, I wish as far as practicable to include copies of any other documents which you may wish to draw to the attention of the committee. (and as detailed on your completed Form B) **Please ensure that you provide me with a clear copy of each such document in plenty of time to enable me to make the necessary copies to go out with the agenda.** I will arrange for copies to be made for the committee.

G. Procedure at the hearing

I attach at Appendix 2 for your information a copy of the procedure which the Standards Committee will apply at the hearing. Please contact me if you require clarification of any point in this procedure or require any further copies of the procedure.

H. Return of forms

Please return the completed forms, along with any additional documents which you wish to draw to the attention of the Standards Committee, to me as soon as possible in order that I may make the necessary arrangements for the Hearing. **In any event I must receive these within 15 working days of the date of this letter.**

A further copy of Mr Wilson's report is enclosed for your assistance / ease of reference.

Yours sincerely

Katie Coughlan
Senior Democratic Officer

Checklist of enclosures:

1. Form A (Councillor's response form)
2. Form B (other evidence to be presented at the hearing)
3. Form C (representations on any subsequent action)
4. Form D (arrangements for the Standards Committee hearing)
5. Form E (details of proposed witnesses)
6. Appendix 1 (Standards Board advice on confidentiality)
7. Appendix 2 WLDC's adopted procedure for the hearing
8. Final report prepared by Mr John Wilson

Coughlan, Katie

From: Coughlan, Katie
Sent: 20 April 2012 17:08
To: 'John Copeland'
Subject: FOR YOUR ATTENTION : Complaints made against you (Cases ref 65-68 inc)
Attachments: ITTER TO copeland- DEC TO GO TO HEARING re report and forms for completion - 28 march 2012.doc

Dear Mr Copeland

Further to my letter dated 28 March 2012 (copy attached) I note that I am yet to receive your response.

In order to prepare for the consideration of this matter by the Hearing Panel can I again request that you complete the pre-hearing Forms, Forms A-E, and return them to me by **Friday 27 April 2012** after which time I shall proceed in making the necessary arrangements.

Please note the Standards Committee Hearing Panel does have the power to determine this matter in your absence.

Furthermore, if after the 27 April , you wish to submit additional evidence in connection with the Hearing / call witnesses for example, in support of your position, it will be at Panel's discretion as to whether not they agree to accept the late submissions , as stated in the adopted procedure.

Yours sincerely

Katie Coughlan
Senior Democratic Officer
West Lindsey District Council



My Ref KJC.CORP/LGR/25 (G) (AL)

Your Ref

Your contact for this matter is:

Katie Coughlan (Ext. 594)

15 May 2012

To: 3 x Standards Committee Hearing Panel Members
(Mr Airey, Councillor Howitt-Cowan, Councillor Hill)
Rachel North – Monitoring Officer
Alan Robinson – Deputy Monitoring Officer
Katie Coughlan – Clerk for the Hearing

Dear

**Meeting Of The Standards Committee Hearing Panel
Wednesday 23 May 2012 Commencing at 4.00pm
In The Council Chamber at The Guildhall, Gainsborough**

Ref: Mr J Copeland - Cases Ref 65 - 68

I write to confirm that the Standards Committee (Hearing Panel) will meet to determine this matter on Wednesday 23 May 2012 in the Council Chamber, here at the Guildhall, Gainsborough commencing at 4.00pm.

I enclose a copy of the Agenda and related papers.

Mr Copeland has not engaged in any pre-hearing matters.

The allegations against Mr Copeland are as set out in Mr Wilson's report (Doc B).

The Chairman for this meeting will be Mr Michael Airey (Independent Member). District Councillor Paul Howitt-Cowan and Parish Councillor John Hill will also sit on the Panel. The Panel will be supported by Rachel North (Monitoring Officer and Legal Advisor to the Panel), Alan Robinson (Deputy Monitoring Officer) and Katie Coughlan (Clerk for the Hearing).

The complainants and the subject member have been advised of the date and time of the Hearing and have been provided with copies of the Papers. Both complainants and the



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INVESTOR IN PEOPLE



**EQUALITY
FRAMEWORK
FOR LOCAL
GOVERNMENT**

subject member have been asked to contact me by 21 May 2012 to confirm whether or not they will be in attendance.

It would be helpful if members could arrive half-an-hour earlier for a Pre-Hearing Briefing; Bain meeting room on the first floor has been booked for this.

I look forward to seeing you on 23 May, but in the meantime, should you require any further information, please do not hesitate to contact me.

Yours sincerely

Katie Coughlan
Senior Democratic Officer

Enc.

Part 1 – Information required

ENC 4

Tribunal reference number:	LGS/2012/0590
Name & address of contact of Standards Committee if different to that on the Notice of Appeal form (including telephone number and email address)	Mr. Alan Robinson Deputy Monitoring Officer. West Lindsey District Council Marshall's Yard Gainsborough DN21 2NA Tel [REDACTED] e-mail - [REDACTED]

Are you planning to attend the Appeals Tribunal?

☒ Yes ☐ No

Please see part 2 before completing this box

(double click in the box and then tick 'checked' in the default value)

Are you intending to conduct your own case? (Please see part 2)

☒ Yes ☐ No

If you are not conducting your own case will a representative do this for you? (Please see part 2)

☐ Yes ☐ No

If 'Yes' please provide the contact details of your representative (name, address telephone, email.) if not already provide.

Is your representative a practising solicitor or barrister?

Please indicate where further communications should be sent:

☒ Me ☐ My representative

The proceedings of the Tribunal are governed by **The Tribunal Procedure (First-tier Tribunal) (General Regulatory Chamber) Rules 2009** and the procedure likely to be followed at any hearing is explained in the enclosed booklet '**Guidance for an appeal from decisions of Standards Committees**'. Also available on our website.

Part 2 – The hearing

Do you agree to the matter being determined at an **oral hearing** as indicated by the Appellant?



Yes



No

If you are not in agreement, please provide a brief statement as to why not

If the **proposed date** as shown on the directions is not acceptable - please provide reasons why and indicate what dates within the two weeks following that date would be.

To be completed only if an oral hearing has been indicated

Are you intending to call any witnesses?
If yes, please complete part 3



Yes



No

Do you, your representative or your witnesses have any access difficulties? For example, is wheelchair access needed?

If so please give details.

Do you, your representative or witnesses have any special needs? For example is an interpreter needed, hearing assistance?

If so please give details.

Do you have any pre-existing medical condition or disability that you believe the Tribunal should be aware of?

If so please give details including any special arrangements required.

Which religious book will you, your representative or witnesses require in order to give evidence under oath?

TO DATE
NA

Part 3 – Details of proposed witnesses

Please provide the names of any witnesses you feel should give evidence that would help the tribunal.

Witness 1
Name:

Please provide an outline of the evidence the witness will give.

N/A TO DATE
NO DECISION
HAS BEEN MADE.

Witness 2
Name:

TO HOLD A HEARING

Please provide an outline of the evidence the witness will give.

AS STATED IN
YOUR LETTER OF
17 JULY 12.

Witness 3
Name:

Please provide an outline of the evidence the witness will give.

