

## STANDARDS HEARING SUB-COMMITTEE

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MINUTES of the STANDARDS HEARING SUB-COMMITTEE held at COUNCIL CHAMBER - COUNCIL OFFICES, MONKTON PARK, CHIPPENHAM, SN15 1ER on Wednesday, 3 October 2012.

Present:

Cllr Chris Caswill, Cllr Julian Johnson and Cllr Roy While

Also present:

Caroline Baynes – Independent Person

Mr Ian Gibbons – Monitoring Officer

Mr Frank Cain – representing the Investigating Officer  
Mrs Marie Lindsay – Investigating Officer

Cllr Christopher Humphries – subject member  
Mr Peter Keith-Lucas – representing subject member

Ms Julie Densham – complainant  
Ms Tanya Palmer – Ms Densham's Union Representative  
Mr Lance Harris – representing the complainant

Mr Martin Cook – witness  
Cllr Jemima Milton - witness  
Mr Dave Roberts – witness

[Mr Colin Malcolm was available as the Independent Person for Councillor Humphries to consult if he wished]

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1 **Election of Chairman**

Nominations for a Chairman of the Standards Hearing Sub-Committee were sought, and it was,

**Resolved:**

**To elect Councillor Julian Johnson as Chairman for this meeting only.**

## 2 **Chairman's Welcome, Introduction and Announcements**

The Chairman welcomed everyone to the meeting and introduced the sub-committee members and others present at the meeting.

## 3 **Declarations of Interest**

Councillor Caswill advised the sub-committee that he serves on the Police Authority with Councillor Humphries.

Councillors Johnson and While advised that they are members of the Conservative Group alongside Councillor Humphries.

The sub-committee were satisfied in each case that this did not affect their ability to hear the case fairly and impartially.

## 4 **Exclusion of the Press and Public**

Each party having confirmed that they had no objection to the matter being heard in public, the sub-committee agreed that in the interests of transparency the matter should be heard in public.

Following submissions from the subject member's solicitor the sub-committee were provided with an unredacted copy of the agenda papers in case it became necessary to refer to these during the hearing, in which event consideration would be given to dealing with that part in closed session.

## 5 **Standards Committee Hearing Complaint regarding the alleged conduct of Councillor Christopher Humphries of Wiltshire Council**

As the parties had previously been advised, the first part of the meeting was set aside to deal with preliminary procedural issues.

Mr Keith-Lucas submitted that he and the subject member had received late notification on the previous day that the complainant would be a party to the proceedings and would be legally represented by counsel. He objected strongly on both points on the grounds that this was unfair to Cllr Humphries and a gross breach of natural justice as he would be facing challenge on two fronts - by the council and by the complainant. He submitted further that if the sub-committee decided to proceed on that basis he and Cllr Humphries would withdraw and take no further part in the proceedings.

After hearing representations from Mr Cain and Mr Harris the sub-committee left the meeting at 10.30am to consider these matters.

The sub-committee returned to the meeting at 11.10am and the Chairman announced the sub-committee's decision as follows:

1. The sub-committee is a sub-committee of the Council and as such were following the procedure adopted by the Council on 26 June 2012, which came into effect on 1 July 2012. The sub-committee were satisfied that the procedure was fair and lawful.
2. In that procedure, at paragraph 2.10, the complainant is included as a party and the procedure sets out their right of participation. This procedure had been available to the subject member since its adoption.
3. No decision had been made on the question of legal representation for Ms Densham in advance of the hearing, but it was made clear in an e-mail to Mr Keith-Lucas and his client on 2 October that it would be considered as a preliminary issue at the hearing.
4. The complainant was entitled to legal representation to ensure fairness, bearing in mind the other parties were legally represented.
5. The sub-committee had examined the e-mail correspondence referred to by Mr Keith-Lucas and could find nothing to contradict the conclusion reached by the sub-committee. .

At this point Mr Keith-Lucas reiterated that he and his client would take no further part in the proceedings. They were invited to reconsider their position but did not wish to do so. They were also given the opportunity to address the sub-committee on how the hearing should proceed in their absence.

At 11.15am the sub-committee withdrew to consider the position reached.

During this recess informal discussions took place between all three parties' legal representatives and the Monitoring Officer about how the hearing should proceed in the absence of the subject member. Mr Keith-Lucas indicated that he would still expect the sub-committee to consider the three preliminary points that had been raised in Cllr Humphries e-mail dated 24 May 2012. He was given the opportunity to make oral or written submissions to the sub-committee on the future conduct of the hearing but declined to take this up and then left with Cllr Humphries.

The sub-committee were advised of the position. They consulted the Independent Person, Caroline Baynes, who confirmed her view that it was reasonable in the circumstances to proceed with the hearing in the absence of the subject member.

The sub-committee, therefore, determined that the hearing should proceed in the absence of Cllr Humphries and his legal representative, and that it should first of all deal with the three preliminary points that had been raised.

The meeting resumed at 12.15pm.

The Monitoring Officer summarised the position reached, as set out above, for the record.

The Chairman then read out the three issues raised in the e-mail dated 24 May 2012 from Cllr Humphries and the sub-committee then heard submissions from Mr Cain and Mr Harris on behalf of the investigating officer and complainant respectively on these issues.

After hearing these submissions the Chairman advised the meeting that the sub-committee would withdraw to consider the preliminary issues and would announce their decision on them when the meeting resumed at 9.30am the following day.

Before withdrawing, the sub-committee considered an earlier request from Mr Keith-Lucas that Mr Steve Milton, should attend as a witness to give evidence. After hearing representations on this point the sub-committee decided that his written statement in the agenda was sufficient for their purposes and that it was not necessary for Mr Milton to attend the following day.

Meeting closed at 12.45pm

The meeting resumed at 9.30am on Thursday 4 October 2012. Cllr Humphries and his legal adviser were not present.

The Chairman opened the meeting by announcing the decision arrived at by the sub-committee regarding the points raised in the e-mail of 24 May 2012.

Having taken into account Cllr Humphries' submissions in support of those points, as set out in the e-mail, the oral submissions made by Mr Cain on behalf of the Investigating Officer and Mr Lance Harris on behalf of the complainant, and on advice from the Monitoring Officer, the sub-committee decided:

1. Not to agree the subject member's request that all complaints relating to matters which were more than 12 months old at the date of the complaint should be dismissed as individual complaints and admissible merely as 'similar fact' evidence.

Reasons:

- a) There was only one allegation older than 12 months – allegation 1 (e-mail dated 10 December 2009 referring to 'bovine effluent').
- b) There is no set time limit for bringing a complaint under the previous standards legislation. The Standards Board guidance recognises that an assessment sub-committee may decide to take no further action

due to the historical nature of the complaint but no time limits are specified.

- c) Both the Assessment sub-committee and the Consideration sub-committee determined that this allegation should go forward.
  - d) The sub-committee did not wish to limit its consideration of all the relevant circumstances, including whether a pattern of conduct was established, by the removal of any of the allegations at this stage.
2. Not to agree the request that all findings under paragraph 3(2)(a) of the Code of Conduct (relating to breach of equality enactments) should be dismissed on the grounds contended by Cllr Humphries.

Reasons:

- a) Paragraph 3(2)(a) of the Code of Conduct requires that the conduct may cause the authority to breach any of the equality enactments; it does not require that the conduct caused the authority to breach them, as Cllr Humphries suggests.
  - b) Section 149 of the Equality Act 2010 imposes a positive duty on all public authorities, in the exercise of their functions, to have due regard to the need to eliminate discrimination, harassment, victimisation and any other conduct prohibited by the Act and to advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
  - c) A councillor acting in their official capacity, or in particular, chairing or participating in an area board meeting, is carrying out a public function on behalf of the Council. Therefore, if they act in a discriminatory way in breach of equality legislation they may prevent the Council from fulfilling its public law duty under Section 149.
  - d) The Council may be liable for any discriminatory acts committed by a councillor acting in their official capacity.
  - e) The nature of the allegations and findings of the Investigating Officer are such that they should be tested as part of the substantive hearing; it would be premature to dismiss them at this stage.
3. Not to agree the request to dismiss allegation 2 (relating to information disappearing down a 'black hole') on the grounds submitted – that it was not part of the original complaint and is, therefore, outside the jurisdiction of the Standards Committee.

Reasons:

- a) It was open to the Investigating Officer to include further allegations arising in the course of the investigation of the complaint.
- b) This is supported by the decision of the Adjudication Panel for England Case APE 0401 in respect of an appeal from Milton Keynes Council's Standards Committee. The Panel held:

*The Original complaint did not fix the scope of the investigation. Rather it was, as with any such investigation, simply the initiating act. It was therefore perfectly legitimate for the investigating officer ultimately to allege a breach of the Code not identified by Mrs G... in her original complaint.*

Having, therefore, concluded the determination of the preliminary issues the Chairman explained that the substantive part of the hearing would proceed in accordance with the procedure previously circulated. He then invited Mr Cain, on behalf of the Investigation Officer, to present the investigation report.

Mr Cain introduced the case and presented the investigating officer's report, highlighting the relevant law and matters to be determined, including the weight to be given to Cllr Humphries' evidence in the light of his decision to withdraw. He submitted, and it was agreed, that he should proceed by formal proof in these circumstances. Mr Cain emphasised the need for the sub-committee to formally receive and consider Cllr Humphries' statement (at paragraph 103 of the agenda). The sub-committee agreed that this should be read out by Mr Cain at the relevant stage of the procedure.

Mr Harris made an opening statement on behalf of the complainant which included submissions on the following:

- The impact that this had had on the complainant's professional and personal life.
- The daunting prospect of complaining against a member of the council and the fact that this was the first time Ms Densham had ever raised a complaint. She was not an overly sensitive person and this had been borne out of necessity.
- The investigating officer's report was fully reasoned, impartial and justifiable.
- Having chosen to leave the hearing Cllr Humphries had deprived the sub-committee of the opportunity of testing his evidence. Ms Densham was present and was prepared to be questioned. Her evidence should be given greater weight than hearsay statements from Cllr Humphries

that could not be tested.

- If Cllr Humphries saw fit to use the language in his e-mail dated 24 September 2010 'who is the good looking bird at the bottom? ...' (at page 96 of the agenda) when referring to the complainant it was likely that he did the other things referred to in the complaint.

Ms Densham was called to give her evidence. She read out her complaint (pages 54 -58 of the agenda) in full and was referred to various documents in support. She also read out her statement (from pages 82 – 87 of the agenda).The remaining pages (up to page 92 of the agenda) were taken as read. Ms Densham confirmed the truth of her evidence.

Members of the sub-committee questioned Ms Densham on her evidence.

Cllr Jemima Milton, Mr Martin Cook and Mr Dave Roberts each read out and confirmed their statements and were asked questions by the members of the sub-committee.

Mr Cain drew attention to the other 8 witness statements in the investigation report and the sub-committee asked for clarification on some points within these.

Mr Cain read out Cllr Humphries' statement.

Ms Densham was asked some further questions by members of the sub-committee on matters arising from Cllr Humphries' statement.

Mr Harris and Mr Cain made concluding submissions.

At 2.45 pm the sub-committee adjourned to consider the case. During this time the views of the Independent Person were obtained.

The meeting resumed at 5.35pm

The views of the Independent Person, Caroline Baynes, were summarised as follows:

- a. Given that Cllr Humphries had withdrawn from the process at an early stage, the process was fair in that;
  - due regard was given by the sub-committee to his position and members had fairly put to the complainant challenges which he had made to her evidence;

- the report prepared by the Investigating Officer was comprehensive and exhaustive;
  - witnesses were available to Cllr Humphries, albeit that in the event he chose not to partake of the opportunity to question them.
- b. The difficulty for the complainant, given the nature of the complaint, was appreciated. The sub-committee should not underestimate the effect of the behaviour complained of and of participating in the process of hearing the complaint.
- c. A number of witnesses were available, some of whom corroborated the complainant's evidence and some who supported Cllr Humphries, and the sub-committee was taken through each allegation of breach and the evidence in respect of each in a full and fair way.
- d. No inference should be taken from the failure by Cllr Humphries to join in the process per se. He is legally advised and it was perfectly reasonable for him to follow such advice as he has been given. His failure to participate, however, did mean that his evidence was prevented from carrying the same weight as that of the complainant which had been able to be tested. That was of course his choice.
- e. Although the reasons why this matter had taken so long to be heard were understood it was disappointing that this was the case.
- f. It was also disappointing that the behaviour was not dealt with earlier, particularly as the sub-committee heard Cllr Humphries' behaviour and general demeanour was well known, but apparently not challenged formally prior to the complainant doing so. It was also a matter of regret that the complainant's line manager was not able to take the matter forward once it was brought to their attention.
- g. It was clear from the proceedings that a more appropriate forum is needed for early and sensitive resolution of employee / councillor complaints and whilst this may be beyond the remit of the role of both the Independent Person, and the sub- committee, it is hoped that this will be noted and taken forward by the Council.



## **DECISION**

Having considered carefully all the evidence before them, the submissions made on behalf of the parties, and the views of the Independent Person, the sub-committee decided as follows:

These matters were to be determined under Wiltshire Council's previous Code of Conduct (as set out at paragraphs 67 -75 of the agenda) as this was the code of conduct in force at all material times and was the basis on which the allegations were investigated.

Cllr Humphries was at all material times acting in his official capacity as a member of Wiltshire Council and, therefore, the above Code of Conduct applied – paragraph 2(1).

All uncontested findings of fact set out in the schedule in Appendix A of the Investigating Officer's report, as appended to these minutes, were accepted.

The sub-committee had regard to the relevant law and Standards for England guidance, as set out at pages 173-178 of the agenda.

They were mindful of the fact that Cllr Humphries had chosen to withdraw from the hearing, which meant that it had not been possible to test his evidence in the same way as the evidence given by Ms Densham and the other witnesses, all of whom had presented their evidence and answered questions from members of the sub-committee. In these circumstances the sub-committee considered that they should necessarily give less weight to Cllr Humphries' evidence in determining the allegations.

In relation to the 7 allegations before them the sub-committee found:

**Allegation 1**                      10 December 2009 – e-mail from Cllr Humphries to Ms Densham in which Cllr Humphries states: 'Well done, I could not have thought of such bovine effluent as this!!'

The comments in Cllr Humphries' e-mail related to the e-mail Ms Densham had sent to an applicant for grant from the area board. These comments were unwise, given particularly the fact that Ms Densham had only just taken on the role of temporary Marlborough Community Area Manager, but the sub-committee did not consider that they amounted to a failure to treat Ms Densham with respect at that stage, nor a breach of any other provisions of the Code.

**No breach.**

**Allegation 2** Late 2009 or early 2010 – Marlborough Area Board briefing meeting – Alleged Cllr Humphries made reference to information provided to a particular individual as having disappeared down a black hole

In making this remark Cllr Humphries intended to refer to matters not being dealt with and was not directing this to the individual. Whilst it was an unwise choice of language it did not give rise to any breach of the Code.

### **No Breach**

**Allegation 3** 24 September 2010– e-mail from Cllr Humphries to Ms Densham which states ‘Also, who is the good looking bird at the bottom? I did not realise that colour photography had been around so long.’

The sub-committee felt that this use of language towards a female officer was unacceptable and inappropriate. They concluded that this conduct amounted to a failure to treat Ms Densham with respect and further was such as may cause the Council to breach the equality enactments, for the reasons set out in the investigating officer’s report, in particular at paragraphs 8.19 – 8.21 and 8.47.

**Breach: paragraphs 3(1) – failure to treat with respect and 3(2)(a)-conduct which may cause the authority to breach any of the equality enactments.**

**Allegation 4** 28 September 2010 – Marlborough and Villages Community Area Partnership briefing meeting – Following the meeting Cllr Humphries and Ms Densham continued a discussion in Cllr Humphries’ car, during which it is alleged he used offensive language, stroked Ms Densham’s arm and enquired about her daughters.

The sub-committee concluded on a balance of probabilities that Cllr Humphries did on this occasion use the expression ‘rod-ing’ in the context described in the complaint and that a conversation took place about Ms Densham’s children. The sub-committee were unable to make any finding in relation to the allegation that he stroked Ms Densham’s arm as the evidence on this aspect was inconclusive.

Use of the expression 'rod-ing' in this context was, in the sub-committee's view, offensive and highly inappropriate. It was disrespectful and degrading to women and was regarded as conduct that could cause the authority to breach its statutory equality obligations.

**Breach: paragraphs 3(1) – failure to treat with respect and 3(2)(a) – conduct that may cause the authority to breach the equality enactments**

**Allegation 5**

7 October 2010 – Marlborough Community Area Transport Group meeting – Alleged that at the meeting Cllr Humphries made comments about the fact that Ms Densham had been to his house and he also stated ' Julia enjoys a nibble'. Additionally that he used sexual innuendo to explain how the telescopic poles of the projector fit together.

The sub-committee were satisfied that during the introductions at the start of the meeting on 7 October 2010 Cllr Humphries did make a comment about the fact that Ms Densham had been to his house. At the end of the meeting, after thanking Ms Densham for providing the biscuits for the meeting, Cllr Humphries added that 'Julia enjoys a nibble'. The fact that this comment was made with reference to a specific individual, namely Ms Densham, led the sub-committee to conclude that it was accompanied by sexual innuendo. The sub-committee further concluded that Cllr Humphries had used inappropriate actions and sexual innuendo to explain how the telescopic poles of the projection screen fit together.

This conduct had the effect of violating the complainant's dignity and created a humiliating and offensive environment, having regard particularly to the fact that Ms Densham was new in her role and that other persons were present. The sub-committee, therefore, determined that these actions showed a lack of respect, that they were such as may cause the authority to breach the equality enactments, and they were of a nature that amounted to bullying.

**Breach: paragraphs 3(1) – failure to treat with respect; 3(2)(a) – conduct that may cause the authority to breach the equality enactments; 3(2)(b)-bullying**

**Allegation 6**

– 25 January 2011 - Marlborough Community Area Transport Group – Alleged that prior to the start of the meeting Cllr Humphries grabbed Ms Densham's scarf and made a playful gesture as if to strangle her with it.

The sub-committee were satisfied on a balance of probabilities that the incident with the scarf did take place, as summarised at paragraph 40 of the investigating officer's findings of fact at Appendix A. This was inappropriate behaviour, especially when viewed in the light of the previous challenge Ms Densham had made against Cllr Humphries on 7 October 2010. It was disrespectful and such as may cause the authority to breach the equality enactments.

**Breach: paragraphs 3(1) – failure to treat with respect and 3(2) (a) conduct that may cause the authority to breach the equality enactments**

**Allegation 7**

7 June 2011 – Marlborough Area Board briefing meeting – Alleged that during the meeting Cllr Humphries stated that 'Steve Milton can go to hell'. He also commented that Ms Densham was rubbish at her job and was overly harsh to Mr D Roberts, using a dismissive hand gesture.

The sub-committee found that Cllr Humphries did speak to Mr Roberts using words to the effect that Ms Densham was rubbish at her job. This was inappropriate, undermining and showed a lack of respect. Having regard to the cumulative effect of Cllr Humphries' behaviour towards Ms Densham the sub-committee felt that it also amounted to bullying.

**Breach: paragraphs 3(1) – failure to treat with respect and 3(2)(b) bullying.**

Taking into account all the circumstances the sub-committee further concluded that the actions of Cllr Humphries over the period in question established a pattern of inappropriate and unacceptable conduct, the cumulative effect of which supported the findings of bullying in relations to allegations 5 and 7 above, and impacted adversely on the complainant.

Having determined the above breaches of the Code the sub-committee heard submissions from Mr Cain on the question of sanctions and then withdrew to consider this part of the case.

Upon returning the Chairman reported that the sub-committee had decided to impose the following sanctions in accordance with paragraph 9 and Annex 1 of the Procedure:

1. To censure Cllr Humphries in respect of his conduct, such censure to be communicated by letter from the Monitoring Officer.
2. To publish the minutes of the sub-committee's meeting recording the decision on the Council's web-site noting that the minutes will be reported to the Standards Committee on 24 October 2011 and full Council on 15 November 2011.
3. To recommend the Leader to request the Marlborough Area Board to consider the appropriateness of Cllr Humphries continuing as chairman of the Area Board in the light of these findings.

(Duration of meeting: 3 October – 9.30 – 12.45  
4 October – 9.30 – 18.10 )

The Officer who has produced these minutes is Pam Denton, of Democratic & Members' Services, direct line (01225) 718371, e-mail [pam.denton@wiltshire.gov.uk](mailto:pam.denton@wiltshire.gov.uk)

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## Appendix A

## Schedule of findings of fact

Case No: WC 39/11

	Investigating Officer's findings of fact	Councillor Humphries' comments
	<b>General</b>	
1.	Councillor Christopher Humphries was at the relevant time a member of Wiltshire Council.	
2.	Councillor Humphries is the Chairman of the Marlborough Area Board.	
3.	Ms Densham was from 1 April 2009 to November 2009 the Senior Democratic Services Officer to the Marlborough Area Board.	
4.	From December 2009 to February 2010 Ms Densham took on the role of temporary Marlborough Community Area Manager, before returning to her substantive role in Democratic Services.	
5.	In June 2010 Ms Densham was offered the post of Marlborough Community Area Manager on a permanent basis. Towards the end of her three month notice period she began to take on some of her new responsibilities.	
	<b>1 December 2009</b>	
6.	On 1 December 2009 Councillor Humphries sent an email to Ms Densham in which he states 'Well done, I could not have thought of such bovine effluent as this!!'	
7.	Councillor Humphries sent his email in response to an email from Ms Densham an applicant for a grant from the Area Board, and which had been copied to him.	

8.	Councillor Humphries' email of 1 December 2009 expresses his view that he considers Ms Densham's initial email to contain a load of bullshit.	I intended my email to be a compliment to Ms Densham and it was made in a humorous form. (Ms Densham uses terms such as "crap" and "bullshit".) The applicant to whom Ms Densham was responding was being turned down for a grant. It wasn't an easy message to give but Ms Densham did it very well. I am sorry if my comment offended her but I fail to see how Codes 3(1) and 3(2)(b) were breached.
<b>Late 2009 or early 2010</b>		
9.	A briefing meeting of the Marlborough Area Board was held in late 2009 or early 2010 at which Ms Densham, Councillor Humphries and Councillor Milton were present.	Confusion regarding the meeting dates. <ul style="list-style-type: none"> <li>Investigating officer states late 2009 or early 2010</li> <li>Ms Densham and Councillor Milton state late 2010 or early 2011</li> </ul> The investigation can only relate to the original Complaint; this matter appeared afterwards, therefore the Hearing Panel has no jurisdiction over this matter.
10.	At that meeting Councillor Humphries made reference to information having disappeared down a black hole in connection with [REDACTED]	I would never use the term "black hole" in connection with [REDACTED] or any other person. Minutes of all four meetings referred to in 9. above do not reflect any reference to [REDACTED]. It is clear in Ms Densham's version that 'black hole' is a reference to instructions not being followed rather than [REDACTED].
<b>26 August 2010</b>		
11.	On 26 August 2010 a briefing meeting of the Marlborough Area Board was held. The meeting was attended by Councillor Humphries, Ms Densham, Ms K Scott and Councillor N Fogg.	
12.	No objections were raised at the meeting to any bad language that had been used by anyone present.	
13.	At the meeting Councillor Humphries used the term 'abortion of a mess'.	



14.	Later the same day Ms Scott sent an email to Mr Steve Milton expressing her views about the meeting.	
<b>24 September 2010</b>		
15.	On 24 September 2010 Ms Densham sent an email to Councillor Humphries asking him to approve new Marlborough Area Board agenda covers.	
16.	Councillor Humphries replied to Ms Densham by email on the same day. His email included the phrase 'Also who is the good looking bird at the bottom? I did not realise that colour photography had been around so long'. These comments were directed towards Ms Densham.	
<b>28 September 2010</b>		
17.	On 28 September 2010 a meeting of the Marlborough and Villages Community Area Partnership was held at Marlborough Town Hall. Councillor Humphries and Ms Densham were both present at the meeting.	Please explain which of the alleged events listed in para.17 to 23 are alleged to be a breach of Codes 3(1), 3(2)a and, 3(2)b. It is not apparent in the Schedule of Findings of Fact.
18.	After the meeting had finished Councillor Humphries and Ms Densham were having a discussion outside Marlborough Town Hall when it started to rain.	
19.	Councillor Humphries invited Ms Densham to finish the conversation in his car, to which she agreed. The conversation turned towards the allegations surrounding [REDACTED] [REDACTED] [REDACTED]	
20.	The conversation about [REDACTED] arose as a result of discussions about [REDACTED] and [REDACTED] [REDACTED] (Amended since the draft report as a result of Councillor Humphries' additional comments – see Appendix C1.1, page 179)	

21.	Councillor Humphries made reference to the specifics of the allegations about ██████████ and, in doing so, used the expression 'rod-ing'.	I did not use that form of vulgar language; it is not in my vocabulary.
22.	Councillor Humphries did not stroke Ms Densham's arm.	
23.	A conversation took place between Ms Densham and Councillor Humphries about Ms Densham's children although it is unclear what questions were asked by Councillor Humphries and exactly what information was exchanged.	This alleged conversation did not take place. I knew that Ms Densham was married with children but had no idea of their sex or ages.
	<b>7 October 2010</b>	
24.	On 7 October 2010 a meeting of the Marlborough Community Area Transport Group meeting was held. Present at that meeting were, amongst others, Ms Densham, Councillor Humphries, Councillor P Dow, Councillor A Kirk Wilson and Mr M Cook, Highways Engineer.	Please explain which of the three separate alleged events listed in para. 24 to 31 are alleged to be a breach of Codes 3(1), 3(2)a and, 3(2)b. It is not apparent in the Schedule of Findings of Fact.
25.	Prior to the meeting Ms Densham and Mr Rogers had attended a meeting at Councillor Humphries' house.	
26.	At the meeting on 7 October 2010 Councillor Humphries made a comment about the fact that Ms Densham had been to his house	
27.	At the meeting Councillor Humphries made a comment about Ms Densham liking/enjoying a nibble. The only comments made at the meeting to nibbling were those made by Councillor Humphries. Councillor Humphries' comments were challenged by Ms Densham and Councillor Dow at the time. (Amended since the draft report as a result of Ms Densham's additional comments – see Appendix D1.1, page 183)	Mr Stansby thanked Ms Densham stating that he "enjoyed a nibble during the meeting". I made my comments to reinforce his thanks for providing biscuits and my comment meant that she also liked biscuits, an entirely altruistic gesture on her part. I was not aware of and did not intend any sexual innuendo. I was surprised that she found such innuendo when she commented to me privately after the meeting. I apologised for any unintended offence. I was so upset that I may have caused her offence that I sent Ms Densham an email that evening. I was not challenged by anyone else attending this meeting

28.	At the meeting Councillor Humphries used inappropriate actions and sexual innuendo to explain how the telescopic poles of the projection screen fit together. (Amended since the draft report as a result of Ms Densham's additional comments – see Appendix D1.1, page 183)	I did not use inappropriate actions and sexual innuendo. I tried to help Ms Densham dismantle the screen but walked away when somebody else, (I believe Martin Cook) offered to help her as I was unable to assist.
29.	Immediately after the meeting Ms Densham challenged Councillor Humphries about comments made by him at the meeting that she likes/enjoys a nibble'. (Amended since the draft report as a result of both Councillor Humphries' and Ms Densham's additional comments – see Appendices C1.1, page 179 and D1.1, page 183)	
30.	Later that same day Councillor Humphries sent an email to Ms Densham in which he writes 'Thank you for your advice today, it will be heeded'.	
31.	Ms Densham forwarded this email to Mr Rogers and Mr Milton on 8 October 2010, adding her comments about what took place at the Transport Group meeting the previous day.	
	<b>20 October 2010</b>	
32.	On 20 October 2010 Ms Densham sent an email to Councillor Humphries enclosing a new photograph of him that had been taken for area board purposes, asking him 'hope you like the attached'.	
33.	Councillor Humphries replied that same day saying 'Thank you, more to the point do you!?'	
	<b>18 November 2010</b>	
34.	On 18 November 2010 a meeting of the Marlborough Area Board was held. Present at that meeting were Ms Densham, Councillor Humphries, Mr Fielding and Councillor Milton.	

35.	Councillor Humphries made reference at that meeting to specific allegations against ██████ regarding ██████ alleged behaviour at ██████ and about some prior allegations made against ██████	I only referred to ██████ association with ██████ I did not go into any detail. All details were available, ██████ and therefore the public domain.  <i>(Investigating Officer's note: the Consideration Sub-Committee accepted a finding of no breach in respect of this alleged incident)</i>
36.	No suggestion was made at the meeting that the information being discussed was of a confidential nature.	
37.	Councillor Humphries was not challenged about these comments at the time.	
	<b>End of 2010</b>	
38.	Councillor Humphries did not ask Ms Densham about her domestic arrangements on two occasions towards the end of 2010.	
	<b>25 January 2011</b>	
39.	On 25 January 2011 a meeting of the Marlborough Community Area Transport Group was held. Ms Densham and Councillor Humphries both attended the meeting.	
40.	As Councillor Humphries entered the room he walked towards Ms Densham and grabbed her scarf, making a playful gesture as if to strangle her with it. As he did so the back of his hand was in contact with her body. He picked up the knot of her scarf and moved it upwards towards her chin. He then let go and sat down.	This alleged incident did not take place.
	<b>6 June 2011</b>	
41.	On 6 June 2011 Councillor Humphries sent Ms Densham an email in response to a mix up over the timings of briefing meetings. In his email Councillor Humphries asks Ms Densham 'If you have brought forward the briefing time then please advise me'.	

	<b>7 June 2011</b>	
42.	On 7 June 2011 a briefing meeting of the Marlborough Area Board was held. Ms Densham, Councillor Humphries and Mr Dave Roberts attended the meeting.	
43.	At the time there were issues concerning the Area Board's relationship with MaVCAP. (Amended since the draft report as a result of Councillor Humphries' additional comments – see Appendix C1.1, page 179)	
44.	At the meeting Councillor Humphries made it clear that he would not be taking into account the advice of Steve Milton but he did not express this in terms of 'Steve Milton can fuck off' or 'Steve Milton can go to hell'.	
45.	Councillor Humphries' comments about Mr Milton were said in a forceful manner.	I did not make comments about Mr Milton in a forceful manner as I hold him in high regard. I may have informed the meeting that Mr Milton is not an Area Board decision maker but derogatory and forceful terms were not used.
46.	At the meeting Councillor Humphries referred to Ms Densham's performance in a negative manner and used the word 'crap'.	I did not refer to Ms Densham's performance in a negative manner nor use the word "crap".
47.	Later on in the meeting Councillor Humphries silenced Mr Roberts with a dismissive hand gesture.	I did not silence Mr Roberts with a dismissive hand gesture. I have known and worked with Mr Roberts for 10 years and value his input. During meetings that I chair I have a strong tendency to gesticulate with my hands and point to indicate the next speaker. There is no evidence from Mr Roberts that he took offence or felt that I was being disrespectful.
48.	On 8 June 2011 Ms Densham sent an email to Councillor Milton about the briefing meeting that had been held on 7 June 2011 and which Councillor Milton had missed.	

	<b>17 August 2011</b>	
49.	<p>On 17 August 2011 Councillor Humphries sent an email to Ms Densham asking her whether she would be able to deal with a request to organise a visit to the Compton Bassett recycling plant. Councillor Humphries' email was also copied to Mr James Hazelwood, Senior Democratic Services Officer. (Amended since the draft report as a result of Councillor Humphries' additional comments – see Appendix C1.1, page 179)</p>	
50.	<p>Ms Densham did not respond and on 21 August 2011 Councillor Humphries forwarded the original request to Mr A Conn, Head of Waste Management, asking how best to progress the matter. Mr Conn replied on 22 August 2011. (Amended since the draft report as a result of Councillor Humphries' additional comments – see Appendix C1.1, page 179)</p>	
51.	<p>At the time that Councillor Humphries sent his email to Ms Densham on 17 August 2011 about the visit to the Compton Bassett Recycling Plant, he had not been advised to have no further email correspondence with her. He was advised of the new contact arrangements on 18 August 2011. (Amended since the draft report as a result of both Councillor Humphries' and Ms Densham's additional comments – see Appendices C1.1, page 179, and D1.1, page 183)</p>	