

**PRIVATE AND CONFIDENTIAL**

**FINAL REPORT**

**Case Reference: Councillor Reg Littleboy (RMBC/2)**

Report of an investigation under Section 59 of the Local Government Act 2000 by John Stone appointed by monitoring officer for Rotherham MBC into an allegation concerning Councillor Littleboy.

This report is for the Rotherham MBC's Standards Committee.

**DATE: 5 Feb 2009**

## **Contents**

- 1 Executive summary**
- 2 Reg Littleboy's official details**
- 3 The relevant legislation and protocols**
- 4 The evidence gathered**
- 5 Summary of the material facts**
- 6 Reg Littleboy's additional submissions**
- 7 Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 8 Finding**

**Appendix A Schedule of evidence taken into account and list of unused material**

**Appendix B Chronology of events**

## **1 Executive summary**

- 1.1 The allegations concerned two separate occasions within a public arena. It was particularly alleged that Councillor Littleboy

Had, at a multi-agency site visit in Brinsworth on 20<sup>th</sup> May 2008, told Sgt. Worrall he was useless and that he was going to have him removed from the Rother Valley West Safer Neighbourhood Team.

Had, at a Catcliffe Parish Council meeting on 3<sup>rd</sup> June 2008 stated in Sgt. Worrall's absence that he hated Sgt. Worrall and that he would prefer Sgt. Worrall not to be part of the Rother Valley West Safer Neighbourhood Team.

- 1.2 Potential breaches of the Code of Conduct identified by the Standards Committee are:

- 1.2.1 Treating complainant with lack of respect S 3(1)
- 1.2.2 Bullying S 3(2)
- 1.2.3 Bringing office into disrepute S 5
- 1.2.4 Using office improperly to secure an advantage or disadvantage for self or another S 6 (a)

- 1.3 I find that Cllr Littleboy

- 1.3.1 Treated Sgt. Worrall with a lack of respect.
- 1.3.2 Did not bully Sgt. Worrall
- 1.3.3 Brought his office into disrepute
- 1.3.4 Did not use his office improperly to secure an advantage or disadvantage for self or another

## **2 Reg Littleboy's official details**

- 2.1 Cllr Reg Littleboy was elected to office in May 1988 and has served continuously since. Cllr Littleboy is also a member of the following other relevant authorities:

South Yorkshire Police Authority (Vice Chair)  
Director of 2010 Rotherham Ltd  
Rotherham MBC.

- 2.2 Cllr Littleboy currently serves on the following committees: Planning Board, Training and Development Panel, Democratic Renewal Scrutiny Panel, Tourism Panel and has also served on Catcliffe Primary School Governors (Chair), Brinsworth Manor Junior School and Brinsworth Whitehill Primary Governing Body in recent years. He is secretary of the Rotherham Labour Group

- 2.3.1 Cllr Littleboy gave a written undertaking to observe the Code of Conduct on being elected as a Parish Councillor in May 2003. The Parish Council adopted by resolution the new Code of Conduct in June 2007 and Cllr Littleboy agreed to be bound by it. Cllr Littleboy has also signed and agreed to be bound by the Code in his capacity as a Rotherham Borough Councillor.
- 2.4 Cllr Littleboy has received training on the Code of Conduct at Brinsworth Parish Council in October by Richard Waller of Rotherham MBC.

### **3 The relevant legislation and protocols**

3.1 The council has adopted a Code of Conduct in which the following paragraph[s] is/are included:

- S 3(1) You must treat others with respect.
- S 3 (2)(b) You must not bully any person.
- S 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or the Council into disrepute.
- S6 (a) You must not use or attempt to use your position as a member improperly to confer upon or secure for yourself or any other person, an advantage or disadvantage.

### **4 The evidence gathered**

- 4.1 I have taken account of oral evidence from:
- 4.1.1 Mark Worrall
  - 4.1.2 Christian Hayes
  - 4.1.3 Shirley Haslam
  - 4.1.4 Maria Watts
  - 4.1.5 Bob Stock
  - 4.1.6 Matt Jukes
  - 4.1.7 Julie Worthington
  - 4.1.8 Anthony Brown
  - 4.1.9 Brian Jolly
  - 4.1.10 Betty Jolly
  - 4.1.11 Fred Wright
  - 4.1.12 Brendan Hughes
  - 4.1.13 June McIntosh
  - 4.1.14 Guy McIntosh
  - 4.1.15 Margaret Hackleton
  - 4.1.16 John Blencowe
  - 4.1.17 Anthony Wilkinson
  - 4.1.18 Sue Kilcommons
  - 4.1.19 Dave Finch

4.1.20 Richard Scholey

4.1.21 Reg Littleboy

4.2 I have also taken account of documentary evidence obtained from

4.2.1 Catcliffe PC minutes 4 June 2008

4.2.2 Cllr Littleboy's additional notes after interview

4.2.3 Cllr Littleboy's comments on draft report

## 5 Summary of the material facts

- 5.1 The first 5 witnesses were present at the meeting on 20 May and with the exception of Sgt. Worrall, the complainant, are Council officers. Ch Supt Jukes is the commanding officer in Rotherham.
- 5.2 Witnesses 7 and 8 are Police Community Support Officers (PCSO) who attended the parish council meeting on 4 June 2008. (NB they refer to it as taking place on 3 June which is incorrect). The next nine witnesses are parish councillors, followed by the Parish Clerk and her partner all of whom were present on 4 June. Insp Scholey gives evidence about a subsequent parish council meeting.
- 5.3 On 20 May 2008 a multi agency meeting took place at St George's steps, Brinsworth. Cllr Littleboy has been campaigning to close these steps for around 10 years. It is the view of Council officials that no valid reason exists to justify closure. Although two nearby residents are adversely affected by anti social behaviour, other members of the public legitimately use the steps.
- 5.4 Cllr Littleboy does not accept this view and believes officials lack the will to carry out his wishes.
- 5.5 An alternative suggestion was proposed by Chris Hayes, a rights of way officer. Whilst it was acceptable to all others present, it was not to Cllr Littleboy. He told Mr Hayes, an officer of 19 years experience and for many years a local resident, "you know nothing, you don't have to live round here".
- 5.6 Cllr Littleboy was clearly annoyed, raising his voice and losing his temper. He told Sgt. Worrall he was "bloody useless" and lambasted him publicly. Sgt. Worrall felt Cllr Littleboy was trying to bully him to adopt Cllr Littleboy's own views. He also states that Cllr Littleboy threatened to have him removed from his job. Cllr Littleboy denies swearing, being abusive or threatening to have Sgt. Worrall removed.
- 5.7 It is clearly of some concern that none of those present heard what Cllr Littleboy said to Sgt. Worrall. It appears to be common ground that there were a number of conversations going on at once. That, together with the passage of time and possibly reluctance on the part of some council officers to get involved, provides sufficient explanation in my estimation.
- 5.8 Shirley Hallam recalls Cllr Littleboy having heated conversations with Chris Hayes and Bob Stock. Maria Watts could tell Cllr Littleboy was annoyed and heard him raise his voice to the sergeant.

- 5.9 On balance I prefer the evidence of Sgt. Worrall. It is clearly a serious step for someone of his modest rank to make a complaint against the Vice Chair of the police authority. I do not believe he would have done that unless his allegations were true. He is clearly an experienced officer used to dealing with people in an emotional state. For him to make a formal complaint the behaviour must have gone beyond what he is used to experiencing in dealing with the public.
- 5.10 There is clear evidence that Cllr Littleboy was annoyed and I find that he had lost his temper and did say the words alleged. There is some support for my view in Cllr Littleboy's interview; he talks of living in the real world and working all his life down the pit. By his own admission he is a blunt speaking man, who I believe on this occasion (and probably not for the only time) went a little too far.
- 5.11 It is also clear that Cllr Littleboy did not believe Sgt. Worrall was the best man for the job, which makes it more likely that he would make a comment about removal. See also 5.16 below for possible corroboration by Cllr Littleboy of this incident.
- 5.12 It is worth commenting that I do not doubt Cllr Littleboy's genuine belief that his cause is right. However he does give the impression that he feels officers and other public officials are there to agree with him and do his bidding blindly.
- 5.13 Ch Supt Jukes confirms that the meeting with Cllr Littleboy later that day was a prearranged meeting and another councillor was present. He is clear that Cllr Littleboy did not in fact seek to have Sgt. Worrall removed then or subsequently.
- 5.14 On 4 June 2008 a Catcliffe Parish Council meeting took place, attended by two PCSO's, 9 councillors, the parish clerk and her partner, and two or three unidentified members of the public.
- 5.15 This was the first meeting the PCSO's had attended for some time and prior absences seem to have annoyed the councillors.
- 5.16 There was a discussion about problems at a local play area which led to further dissatisfaction as the PCSO's were unable to effect what councillors wanted.
- 5.17 The PCSO's state that Cllr Littleboy then launched an attack on the absent Sgt. Worrall, saying that he hated him. They also recall him saying he had insulted Sgt. Worrall to his face previously, which could be taken to be a reference to the 20 May incident. The PCSO's were so shocked by the comments that they reported the comments to Sgt. Worrall.
- 5.18 Furthermore, the following morning, they typed their account of the meeting. This is significant as it means their recollection is likely to be better, as they are entitled to refresh their memory from those notes. The fact that they felt it merited such actions also lends support to something untoward having happened at the meeting.
- 5.19 By reporting back these comments the PCSO's must have known there was a real possibility some action would be taken by their superiors. If they were not telling the truth they were putting their jobs at risk. I had to ask myself why they would do this unless

the words were said. I found PCSO Wordsworth the most credible of the witnesses I spoke to regarding this meeting.

- 5.20 The councillors all deny that Cllr Littleboy said he hated Sgt. Worrall. Their recollections of the meeting were, not entirely surprisingly after five months, a little sketchy in some cases. They had a far better recollection of the following meeting where Insp Scholey attended and complained about their criticism of the PCSO's.
- 5.21 The Parish Clerk, Chair and other councillors were asked for details of the members of the public who were present, but these have not been supplied and I have therefore been unable to interview them.
- 5.22 There was disagreement as to whether Cllr Littleboy raised his voice or not. It appears to me more likely that he did.
- 5.23 They made much of the fact that only one PCSO heard the comment "plastic policemen". I do not find it strange that both officers should not have heard an aside by one person in a noisy meeting. Most importantly PCSO Wordsworth was open from the start about not hearing it. If anything it shows they have not colluded and made up a story between them.
- 5.24 I found the councillors very defensive and more than one asked me to confirm I was only investigating Cllr Littleboy. I got the impression that following Insp Scholey's complaints at the next meeting, they felt the need to give the impression the meeting on 4 June had been unremarkable.
- 5.25 Insp Scholey told me he attended the next Parish Council meeting on 2 July having had sight of the PCSO's notes. Cllr Littleboy was not present and so initially he spoke about the treatment of the PCSO's. When he mentioned the attack on Sgt. Worrall he was told he would have to take that up with Cllr Littleboy.
- 5.26 That appears to me to be highly significant. Whilst the 4 June meeting was far fresher in their minds, none of the councillors denied that Cllr Littleboy had attacked Sgt. Worrall.
- 5.27 I therefore concluded that Cllr Littleboy had attacked Sgt. Worrall verbally at the meeting on 4 June in the manner described by the PCSO's.
- 5.28 I was concerned that Cllr Littleboy, and indeed a number of other councillors, felt it wrong to found an allegation on what was said about someone at a public meeting in their absence. It is surely common sense that you cannot make inappropriate comments in a public forum just because the victim is not present.
- 5.29 For the avoidance of doubt, it is not hearsay as people who were actually at the meeting give evidence of what they heard. The Adjudication Panel for England has confirmed this interpretation of the position.
- 5.30 On 20 May 2008 Cllr Littleboy was acting as a Rotherham MBC Councillor and was subject to the Code of Conduct.
- 5.31 On 4 June 2008 Cllr Littleboy was acting as a Catcliffe Parish Councillor and was subject to the Code of Conduct.

## **6 Cllr Littleboy's additional submissions**

- 6.1 Following our interview Cllr Littleboy emailed additional notes.
- 6.2 Cllr Littleboy also responded to my draft report by email
- 6.3 Both documents are included in the document bundle

## **7 Reasoning as to whether there have been failures to comply with the Code of Conduct**

### **7.1 Treating with a lack of respect.**

- 7.1.1 The Standards Board distinguish between attacking an idea and attacking the individual who made it. In a democracy it is entirely acceptable for disagreements to be publicly aired and valid criticism to be expressed. It is, however, not acceptable to express personal abuse.
- 7.1.2 The High Court has said (*Sanders v Kingston*) that it is necessary to determine whether the words used are political expression or no more than expressions of personal anger and personal abuse. The latter are unacceptable.
- 7.1.3 Whilst there is no direct corroboration of Sgt. Worrall's evidence, I find the final paragraph of Shirley Hallam's interview record to be of considerable significance. However I am investigating just the two specific incidents and this can only be given limited weight.
- 7.1.4 I find that the comments directed to Sgt Worrall went beyond attacking his ideas and clearly treated him with a lack of respect.
- 7.1.5 Cllr Littleboy's conduct at the meeting on 4 June, where he undermined a person who was not present to defend himself in front of subordinates, councillors and members of the public, was also disrespectful.

### **7.2 Bullying**

- 7.2.1 Standards Board defines bullying as offensive, intimidating, malicious, insulting or humiliating behaviour based on an abuse of power or authority which attempts to undermine.
- 7.2.2 An objective test should be applied – would an ordinary member of the public regard the conduct as bullying.
- 7.2.3 As with other elements of the Code it is not designed to prevent fair criticism appropriately delivered.
- 7.2.4 Although the threat to have Sgt. Worrall removed from his job clearly worried and upset him, I do not consider there was a sufficiently prolonged course of conduct to constitute bullying. Whilst bullying can be shown from one incident, Sgt. Worrall does not give enough specific examples of what was said to found what I would consider to be a far more serious breach of the Code.

### 7.3 Bringing office into disrepute

- 7.3.1 This is conduct which reduces the public's confidence in Cllr Littleboy's ability to fulfil his role or adversely affects the reputation of members generally.
- 7.3.2 My findings are that Cllr Littleboy was abusive to Sgt. Worrall both directly (20 May) and indirectly (4 June). Whilst this does not affect the general reputation of members, an ordinary member of the public's confidence in a member who was abusive to a police officer would be diminished.
- 7.3.3 I therefore find there was a breach of the Code. However my finding is based on the same words and conduct as in 7.1. The Committee may feel it unnecessary or unfair to find two breaches for the same conduct, although there is nothing legally to prevent them so doing.

### 7.4 Using office improperly to secure an advantage or disadvantage.

- 7.4.1 Whilst the Code makes it clear that an attempt to do this is a breach, the mere threat to do so is not.
- 7.4.2 I found that Cllr Littleboy did make a threat to have Mark Worrall removed, which would be improper, but it is clear that he did not follow that through at his subsequent meeting with Ch Supt Jukes, or indeed at any later stage.
- 7.4.3 There is accordingly no breach of this part of the Code.

## 8 Finding

- 8.1 I therefore find that Cllr Littleboy treated Mark Worrall with a lack of respect and in so doing brought his office into disrepute.
- 8.2 I find insufficient evidence to say Cllr Littleboy bullied him nor that he used or attempted to use his office improperly.
- 8.3 I have reached my findings using the balance of probabilities test – which version is the more likely to be true.

# Appendix A

## Schedule of evidence taken into account

Case No: RMBC 2

### Core documents

Doc No	Description	Pages
1	Allegation letter	1-2
2	Mark Worrall	3-14
3	Christian Hayes	15-16
4	Maria Watts	17-18
5	Shirley Haslam	19
6	Bob Stock	20
7	Matt Jukes	21
8	Julie Worthington	22-23
9	Anthony Brown	24-25
10	Brian Jolly	26-27
11	Betty Jolly	28-29
12	Fred Wright	30
13	Brenda Hughes	31-32
14	June McIntosh	33-34
15	Guy McIntosh	35-36
16	Margaret Hackleton	37-38
17	John Blencowe	39
18	Anthony Wilkinson	40
19	Sue Kilcommons	41-42
20	Dave Finch	43
21	Richard Scholey	44
22	Reg Littleboy	45-68

### Minutes of meetings and other documentary evidence

Doc No	Description	Pages
23	Catcliffe PC minutes	69-74
24	Cllr Littleboy's additional comments after interview	75
25	Cllr Littleboy's comments on draft report	76

### Reg Littleboy's comments on draft report

Doc No	Description	Pages

### List of unused materials

Investigator's notes of interviews
Correspondence (covering letters, interview arrangements etc)
Investigation and interview plans

# Appendix B

## Chronology of events

- 20 May 2008 – meeting at St George's steps
- 20 May 2008 – meeting Supt Jukes/Cllr Littleboy
- 4 June 2008 – meeting Catcliffe PC
- 2 July 2008 – meeting Catcliffe PC
- 4 July 2008 – complaint by Mark Worrall