

Council

16 October 2025

Councillor Conduct

Report from: Bhupinder Gill, Monitoring Officer

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Summary

The Councillor Conduct Committee (the Committee) considered a report setting out the findings of an investigation into an alleged breach of the Councillor Code of Conduct, the Code. The Committee determined that Councillor Spalding had breached the Code and has recommended that the Council censure him.

1. Recommendations

- 1.1. The Councillor Conduct Committee recommends that the Council censure Councillor Spalding for the reasons set out in paragraph 4.6 of the report.

2. Budget and policy framework

- 2.1. The Council is required to have a Standards Committee (the Councillor Conduct Committee) that is responsible for upholding high standards of conduct in public office and determining complaints submitted under the Councillor Code of Conduct. On finding a breach the Committee may refer the matter to Council to consider issuing a formal censure.

3. Background

- 3.1 On 19 March 2025 the Monitoring Officer received a complaint under the Council's Code of Conduct.
- 3.2 The Complainant had reached out to Councillor Spalding for support in dealing with a dispute with the trustees of a village hall. The Councillor approached the trustees and the complainant, both of whom agreed that they would like the Councillor's assistance in resolving the dispute.
- 3.3 During the course of his involvement, the Councillor sent a number of emails to the complainant making:
 - demands for documents
 - threatening various actions for noncompliance with his demands

- purporting to be acting for Medway Council
- 3.4. The complainant stated they found the behaviour of Councillor Spalding to be intimidating and that they felt bullied by him during their interactions. Cllr Spalding was invited to resolve the matter informally by apologising to the complainant but declined. As result the Committee was requested to undertake an initial screening assessment to determine whether the complaint ought to be investigated.
- 3.5. On 8 May 2025, the Committee determined that the matter ought to be investigated. The Deputy Monitoring Officer was requested to conduct an investigation. The latter included interviewing both the complainant and Councillor Spalding to provide them with the opportunity to explain their position and provide relevant documents. Much of the documents provided consisted of email chains between the two.
- 3.6. The Deputy Monitoring Officer upon reviewing all the material, concluded there was a prima facie case to answer and produced a detailed report for the Councillor Conduct Committee. Appended to the report were all documents provided by both parties, (circa 400 pages). In order to maintain full transparency, all documents submitted and complete email chains were included, in date order of the lead email, even though this resulted in much duplication. The Committee was convened for 13 August 2025.
4. Committee hearing – 13 August 2025
- 4.1. On 5 August, Councillor Spalding requested that the meeting be adjourned because his workload prior to the meeting would not provide him with sufficient time to prepare and further, that on the night of the meeting he would be travelling to attend a funeral the next day. Further, that if it was rescheduled, he would not be available for the next ordinary meeting of the committee diarised for 10 September.
- 4.2. On 6 August, the Councillor wrote to the Council repeating his request and added that he was due to undergo medical tests on 11 August and that his health had deteriorated upon reading the papers. Officers consulted with the Chairperson of the Committee (Councillor McDonald), who advised the request for an adjournment would need to be considered by the Committee.
- 4.3. On 8 August, Councillor Spalding submitted a doctor's fit note dated 7 August stating he was not fit for work until 15 September.
- 4.4. The Committee convened on 13 August and considered the request for an adjournment. All correspondence pertaining to the request was shared with the Committee. After significant consideration and debate, the Committee decided not to grant the request and proceeded to hear the matter.
- 4.5. The Deputy Monitoring Officer presented her report and drew the Committee's attention to particular emails exchanges between the Councillor and the complainant in addition to the views of the Independent Person, who stated

...For reasons it seems best known to himself, the Councillor in question appears to have set himself up as some sort of advocate or arbiter and when asked to desist he failed to do so. There was no authority express or implied for him to assume such a role. I consider that his actions in this matter were both reckless and reprehensible, conduct that is in my opinion deserving of censure and condemnation and my opinion is based in part on the content of the email extracts contained in Appendix 4.

In my opinion what the Councillor has stated in these extracts amounts to both bullying and harassment of the Complainant in that what is said is offensive, intimidating, insulting and unfairly critical...

The full set of papers are not included with this report because the Committee has already made a finding of a breach of the code. The minutes for the Committee (which are published on the [Council's website](#)) and the decision letter to the Councillor are appended, marked **Appendix 1 and 2** respectively. (Identity of the complainant has been redacted).

4.6. The Committee determined that the Councillor:

... did breach the Code of Conduct, specifically citing paragraph 2.1, which states:

"2.1 You must:

- i) not conduct yourself in a manner which could reasonably be regarded as bringing the Council or your position into disrepute*
- ii) not bully or harass any person (including specifically any Council employee)*

(Note: bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)"

The Committee referenced the following contents from correspondence sent by you, as being particularly contra to the above paragraph of the Code:

- "Closing the nursery down and walking away because you are now faced with having to answer some awkward questions and provide information that may not show you in a favorable light is not going to be acceptable" (email dated 27/02/25 – page 73 of the agenda pack).*
- "Why are you now suggesting the paperwork is overwhelming and stressful when it is in fact exactly and precisely that which you demanded?" (email dated 27/02/25 – page 73 of the agenda pack).*

- *“Irrespective of whether you wish to give up running the nursery or not, you are required to provide the documents and information I have requested. You have made claims that include racial discrimination. One has suggested that if you decide now not to continue, you are likely to leave yourself open to, among other things, a civil action for defamation by the individuals on the Village Hall Committees” (email dated 27/02/25 – page 75 of the agenda pack).*
- *“If you are thinking you can wait until and there is a general meeting of the Village Hall trustees and you can arrange to have the current committee replaced with people more to your liking please be advised that is unlikely to happen. I am updating the parish council tomorrow night. It is my intention to delay and village hall trustees meeting until the issue of the future of any nursery is resolved” (email dated 11/03/25 – page 71 of the agenda pack).*
- *“The lack of response is incredibly worrying because you have made various claims throughout this matter that you now seem unwilling or you are simply unable, to justify. You have made these claims, in my opinion, in order to strengthen your financial position. This can, in certain circumstances, be considered a criminal offence and leave one open to Police investigation” (email dated 11/03/25 – page 71 of the agenda pack).*
- *“Both sides were provided with individual lists of what they had sent me along with separate requests for information. Some six weeks on, I still do not have everything I require with both sides being delinquent to an extent. I will write separately to both sides on this matter later today. Let me be clear, from what I have seen so far, nobody comes out of this smelling of roses!” (email dated 19/03/2025 - page 20 of the agenda pack).*
- *“For the avoidance of doubt there will not be any village hall trustee meeting until I am in a position to report on the nursery situation” (email dated 19/03/2025 – page 20 of the agenda pack).*
- *“Given your failure to engage with me and provide responses I can only conclude the nursery is not being run as it should be. Accordingly, I shall be forced to recommend to the Village Hall committee they terminate use of the hall by the nursery with immediate effect” (email dated 24/03/25 – page 24 of the agenda pack).*
- *“Naturally Medway Council takes such accusations very seriously” (letter dated 28/03/25 – page 37 of the agenda pack).*

The Committee considered that the language and tone of the communication was inappropriate and constituted bullying, harassment, threatening and intimidation. The language used gave the impression you were acting on behalf of the Council and/or that you had a particular status and power to deal with the

dispute, which you did not. As a local Councillor you had no legal right to demand any of the documents that you repeatedly requested, equally you had no power to suggest any criminal conduct or that you held any authority over the Village Hall Committee and its decisions. You had acted in a way that was far beyond the remit as a Ward Councillor.

- 4.7. The Councillor was emailed the decision letter on 15 August 2025 (the Complainant was also advised of the Committee's decision).

5. Post Decision

- 5.1. In response to the Committee's request for further training to be provided to the Councillor, a meeting was arranged for 26 August, however at the request of the Monitoring Officer this was postponed until 11 September (see paragraph 5.5 for further information).
- 5.2. On 20 August, the Councillor wrote to the complainant, this is attached and marked as **Appendix 3**. Members are requested to consider the contents of that letter, its tone and use of vocabulary when coming to a view on the recommendation from the Committee. Members are requested to review the letter and consider if it complies with the Committee's request for an apology.
- 5.3. On 27 August, the Councillor wrote to the Monitoring Officer, this is attached and marked as **Appendix 4** and the MO's response is marked **Appendix 5**.
- 5.4. On 11 September, the Councillor cancelled his meeting scheduled for later that day with the Monitoring Officer. As of 8 October, no further meeting has been requested, no draft apology has been shared with officers nor the Chairperson of the Committee.
- 5.5. On 18 September, the Monitoring Officer wrote to Councillor Spalding to ask if he wished to make any written representations to Members, which would be included in a report to Council and/or if he would like to make a verbal address to the Council meeting, in line with Council Procedure Rules, and if so, at what point of the proceedings. He was requested to provide such representations no later than 3 October. On 3 October, he replied to say he will make verbal representations. No other relevant correspondence has been received by the MO from Councillor Spalding.

6. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Lack of process in dealing with complaints	The Council is mandated to have a Code of Conduct that is applicable to Councillors and to have process for determining complaints regarding its breach	The Council has adopted a code of conduct and processes for determining if it has been breached	DIII

Risk	Description	Action to avoid or mitigate risk	Risk rating
Reputational	The Committee has made a determination of a breach and requested the Council to issue a censure	The Council need to determine whether to accept the recommendation	DII
Quality and timeliness of the adjudication	The Committee considered complaint, however for justice to be done it needs to be seen to be done	The minutes of the Committee have been made public and this report considering the imposition of sanction will be consider in public	CII

For risk rating, please refer to the following table:

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

7. Legal and financial implications

- 7.1. The legal implications are as set out in the body of the report. The costs associated with the investigation have been met from within an approved budget.

Lead officer contact

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Appendices

Appendix 1 – 13 August	Minutes, Councillor Conduct Committee
Appendix 2 – 15 August	Decision letter to Cllr Spalding
Appendix 3 -- 22 August	Letter form Cllr Spalding to complainant
Appendix 4 – 27 August	Email from Cllr Spalding to the MO
Appendix 5 – 27 August	Email to Cllr Spalding

Background papers

None