

Medway Council
Meeting of Councillor Conduct Committee
Wednesday, 13 August 2025
6.08pm to 8.13pm

Record of the meeting

Subject to approval as an accurate record at the next meeting of this committee

- Present:** Councillors: McDonald (Chairperson), Kemp, Peake, Louwella Prenter, Tejan and Van Dyke
- Substitutes:** Councillors:
Gurung (Substitute for Howcroft-Scott)
Perfect (Substitute for Brake)
Crozer (Substitute for Pearce)
- In Attendance:** Bhupinder Gill, Assistant Director, Legal and Governance
Vicky Nutley, Head of Legal Services
Teri Reynolds, Principal Democratic Services Officer

206 Apologies for absence

Apologies for absence were received from Councillors Brake, Howcroft-Scott and Pearce.

207 Record of meeting

The record of the meeting held on 8 May was agreed by the Committee and signed by the Chairperson as correct.

208 Urgent matters by reason of special circumstances

There were none.

209 Declarations of Disclosable Pecuniary Interests and Other Significant Interests

Disclosable pecuniary interests

There were none.

Other significant interests (OSIs)

There were none.

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Other interests

There were none.

210 Exclusion of the Press and Public

That the press and public be excluded from the meeting during consideration of the exempt material relating to agenda item 6 because consideration of these matters in public would disclose information falling within Paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972 as specified in agenda item 5, and, in all the circumstances of the case, the Committee considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

211 Investigation of Complaint - CCC/2025/003

Discussion:

At the start of the meeting the Monitoring Officer (MO) advised the Committee to hold a short adjournment which the Committee agreed to and therefore the meeting was adjourned for approximately 20 minutes.

The MO referred to representation that had been received from Councillor Spalding (the subject member), requesting that consideration of the report be deferred due to personal circumstances and the Committee carefully considered the supporting documentation he provided as part of his request. The Committee also took into account the impact on the complainant in further delaying consideration of the report and after deliberations the Committee decided to proceed with the hearing.

The MO then introduced the report which provided the outcome of an investigation into a complaint that Councillor Spalding may have breached the Member Code of Conduct through the manner in which he had handled a matter he became involved in as Ward Councillor.

Councillor Spalding and the complainant had been invited to the meeting to address the Committee under its procedures for dealing with complaints about Councillor Conduct, however neither had attended.

Before reaching a decision on this matter the Committee also considered the views of an Independent Person, in accordance with Section 28 of the Localism Act 2011, which were set out at section 5 of the report.

Decisions

- 1) The Committee agreed the following findings of fact:
 - a) That Councillor Spalding was acting as a Councillor during his correspondence, signing off emails as Councillor and using

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Medway Council letter headed paper, therefore the Code of Conduct applied.

- b) That the email exchanges (provided by both Councillor Spalding and the complainant) provided evidence of the correspondence between the two on this matter and that during the investigation, there was no denial of the emails being sent.
 - c) That the Deputy Monitoring Officer had explored the opportunity of an informal resolution via an apology to the complainant, which Councillor Spalding had refused to provide.
 - d) That to date Councillor Spalding had denied any wrong doing.
- 2) The Committee agreed that Councillor Spalding had breached the Code of Conduct, specifically citing the following paragraph of the code, which stated:

“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 Councillor Spalding, 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

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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)
- 3) The Committee agreed that the following sanctions should be applied to Councillor Spalding:
- a) a recommendation of censure be made to the next Full Council meeting on 16 October 2025;
 - b) Councillor Spalding was asked to send a sincere and fulsome letter of apology to the complainant, which should first be shared with and approved by the Chairperson of the Councillor Conduct Committee.

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- c) Councillor Spalding was asked to undertake further training on the Code of Conduct with the Monitoring Officer.

In terms of the letter of apology and the training, the Committee requested that these tasks be completed by Councillor Spalding by no later than 2 October 2025.

- 4) The Committee agreed that Councillor Spalding should be named in the minutes, as the subject member, in accordance with procedural guidance for investigations about Member conduct allegations.

The reasons for the Committee's decision was that it considered that the language and tone of the communication used by Councillor Spalding was inappropriate and constituted bullying, harassment, threatening and intimidation and gave the impression that Councillor Spalding was acting on behalf of the Council and/or had a particular status and power to deal with the matter, which he did not. Councillor Spalding had acted in a way that was far beyond the remit as a Ward Councillor.

Chairperson

Date:

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