

CORPORATE GOVERNANCE GROUP AGENDA

Thursday 19th November 2020 at 7:15pm

In accordance with the Local Authorities and Police and Crime Panels (Coronavirus) (Flexibility of Local Authority and Police and Crime Panel Meetings) (England and Wales) Regulations 2020, this meeting will be held via Zoom and by the Council's YouTube channel – Braintree District Council Committees.

Members of the public will be able to view and listen to this meeting via YouTube.

To access the meeting please use the link below:

<http://www.braintree.gov.uk/youtube>

Members of the Corporate Governance Group are requested to attend this meeting to transact the business set out in the Agenda.

Membership:-

Councillor P Euesden

Councillor D Hume

Councillor H Johnson (Vice Chairman)

Councillor D Mann

Councillor Miss V Santomauro

Councillor R van Dulken (Chairman)

Councillor D Wallace

Councillor T Walsh

Councillor Mrs L Walters

Members unable to attend the meeting are requested to forward their apologies for absence to the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by 3pm on the day of the meeting.

A WRIGHT
Chief Executive

INFORMATION FOR MEMBER – DECLARATIONS OF MEMBERS' INTERESTS

Declaration of Disclosable Pecuniary Interests (DPI), Other Pecuniary Interests (OPI) or Non-Pecuniary Interests (NPI).

Any Member with a DPI, OPI or NPI must declare the nature of their interest in accordance with the Code of Conduct. Members must not participate in any discussion of the matter in which they have declared a DPI or OPI or participate in any vote, or further vote, taken on the matter at the meeting. In addition, the Member must withdraw from the Chamber where the meeting considering the business is being held unless the Member has received a dispensation from the Monitoring Officer.

Public Question Time – Registration and Speaking:

In response to the Coronavirus the Council has implemented procedures for Public Question Time for its virtual meetings which are hosted via Zoom.

The Agenda allows for a period of up to 30 minutes for Public Question Time.

Participation will be via the submission of a written question or statement which will be read out by an Officer or the Registered Speaker during the meeting. All written questions or statements should be concise and should be able to be read **within 3 minutes** allotted for each question/statement.

Members of the public wishing to participate are requested to register by contacting the Governance and Members Team on 01376 552525 or email governance@braintree.gov.uk by midday on the working day before the day of the Committee meeting. For example, if the Committee meeting is due to be held on a Tuesday, the registration deadline is midday on Monday, (where there is a bank holiday Monday you will need to register by midday on the previous Friday).

The Council reserves the right to decline any requests to register for Public Question Time if they are received after the registration deadline.

Upon registration members of the public may indicate whether they wish to read their question/statement or to request an Officer to read their question/statement on their behalf during the virtual meeting. Members of the public who wish to read their question/statement will be provided with a link to attend the meeting to participate at the appropriate part of the Agenda.

All registered speakers are required to submit their written questions/statements to the Council by no later than 9am on the day of the meeting by emailing them to governance@braintree.gov.uk. In the event that a registered speaker is unable to connect to the virtual meeting their question/statement will be read by an Officer.

Questions/statements received by the Council will be published on the Council's website. The Council reserves the right to remove any defamatory comment in the submitted questions/statements.

The Chairman of the Committee has discretion to extend the time allocated for public question time and to amend the order in which questions/statements are presented to the Committee.

Documents: Agendas, Reports, Minutes and Public Question Time questions and statements can be accessed via www.braintree.gov.uk

Data Processing: During the meeting the Council will be collecting performance data of participants' connectivity to the meeting. This will be used for reviewing the functionality of Ms Teams/Zoom and YouTube as the Council's platform for virtual meetings and for monitoring compliance with the legal framework for Council meetings. Anonymised performance data may be shared with third parties.

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We welcome comments to make our services as efficient and effective as possible. If you have any suggestions regarding the meeting you have attended, you can send these to governance@braintree.gov.uk

PUBLIC SESSION

Pages

- 1 Apologies for Absence**
- 2 Minutes of the Previous Meeting**
To approve as a correct record the minutes of the meeting of the Corporate Governance Group held on 29th October 2020. (copy previously circulated).
- 3 Declarations of Interest**
To declare the existence and nature of any Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest relating to items on the agenda having regard to the Code of Conduct for Members and having taken appropriate advice where necessary before the meeting.
- 4 Public Question Time**
(See paragraph above)
- 5 Report on the conclusions of the Standards Investigations 5 - 298**

Report on the conclusions of the Standards Investigations		Agenda No: 5
Portfolio	Finance and Performance	
Corporate Outcome:	A sustainable environment and a great place to live, work and play A high performing organisation that delivers excellent and value for money services Delivering better outcomes for residents and businesses and reducing costs to taxpayers	
Report presented by:	Kim Cole, Head of Governance and Monitoring Officer	
Report prepared by:	Kim Cole, Head of Governance and Monitoring Officer	
Background Papers:		Public Report
None		Key Decision: No
Executive Summary:		
<p>The Council is required to have in place arrangements for dealing with allegations that Councillors have failed to comply with the Code of Conduct, and provisions which allow for an investigation to be completed where one is required. This report sets out the outcome of the two investigations, conducted in accordance with the Councils Complaint process.</p>		
Recommended Decision:		
<p>The Corporate Governance Group are asked to note the two independent investigations as follows:</p> <ol style="list-style-type: none"> 1. A Complaint against Councillor Joanne Beavis, the findings of the investigation where that there had been a breach of the Council's Code of Conduct (Appendix A). 2. A Complaint against Councillor Graham Butland, the findings of the investigation where that there had not been a breach of the Council's Code of Conduct (Appendix B). 3. The Cost to the Council of the investigations were £2,499 and £15,700 respectively. 		

Purpose of Decision:

As elected representatives, members of the public have high expectations of Councillors. Councillors have both individual and collective responsibility to maintain standards, support expected behaviour and challenge behaviour which falls below expectations.

Any Corporate implications in relation to the following should be explained in detail.

Financial:	No matters arising out of this report, the cost of the investigations have been met from existing budgets.
Legal:	No matters arising out of this report
Safeguarding:	No matters arising out of this report
Equalities/Diversity:	It has not been necessary to conduct an Equality Impact Assessment.
Customer Impact:	No matters arising out of this report
Environment and Climate Change:	No matters arising out of this report
Consultation/Community Engagement:	No matters arising out of this report
Risks:	No matters arising out of this report
Officer Contact:	Kim Cole
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1. Introduction

- 1.1 In 2018 and 2019 the Council received two complaints under its Code of Conduct which proceeded to an investigating being conducted by an Investigating Officer. This report sets out the outcomes of those investigations and the associated costs incurred by the Council during the course of the investigations.

2. Complaint against Councillor Joanne Beavis

- 2.1 In April 2018, the Council received a complaint from Mrs Burrows-Wren (the Complainant), regarding an application that had been to the Council made by Councillor Joanne Beavis under the Councillors Community Grant Scheme on behalf of the Braintree Community Foundation Community Interest Company (the Company). Councillor Beavis was at that time a Director of the Company, together with the Complainant, who had resigned as a director on 13 November 2017.
- 2.2 The Complainant was concerned that Councillor Beavis had submitted the application form on 27 March 2018 for a Grant of £1,383.80, and that within the application Councillor Beavis had confirmed that there were two directors of the Company and that there were a minimum of two authorised signatories to all financial transactions, listing the Complainant and Councillor Beavis as the Directors and authorised signatories.
- 2.3 An independent investigation into the allegation was commissioned by the Council's then Monitoring Officer (Mr Ian Hunt), and Stephen Pearson, Solicitor at Freeths was appointed as the Investigating Officer (The First investigation).
- 2.4 The Investigation Officer completed their investigation and submitted their final report to the Council on 4 January 2019. The Investigating Officer determined that:
- (a) the declaration made within the grant application form was false, as the Complainant had resigned as a Director on the 13th November 2017 and the application for the grant was made on the 25th March 2018. Accordingly Councillor Beavis had breached the Councils Code of Conduct under paragraph 7.1, namely that *'you must not use or attempt to use your position as a member improperly or to confer on or secure for yourself or any other person and advantage or disadvantage'*; and
 - (b) there remained, at the time the application was made, two signatories to the Company bank account, one of which included the Complainant. Accordingly Cllr Beavis was not in breach of the Councils Code of Conduct under paragraph 7.1.
- 2.5 On 1 February 2019, Councillor Beavis resigned as a District Councillor. As a result, the outcome of the investigation was not published at that time and the matter was not brought to the Committee and did not proceed by way of a Standards Hearing.

- 2.6 In light of the findings of the Investigating Officer, the Council determined that whilst noting the community purpose of the Company, and the grant was applied for purposes consistent with the grant scheme, the grants were paid from public funds, which the Council has a duty to safeguard and ensure are used appropriately. Accordingly the Council sought recovery of the full value of the grant obtained using a false statement. This was repaid in full by Councillor Beavis in March 2019.

3. Complaint against Councillor Graham Butland

- 3.1 In February 2019, Councillor Beavis submitted a complaint against Councillor Graham Butland. At that time Councillor Beavis was not a Councillor, having already resigned from office. Following which a second complaint was brought by Councillor Beavis in December 2019. At that point Councillor Beavis had been re-elected as a Councillor in May 2019.
- 3.2 The first complaint concerned the conduct of Councillor Butland during the course of the investigation into Councillor Beavis own conduct as set out above and alleged that Councillor Butland had:
- (a) influenced the first investigation,
 - (b) bullied and intimidated Councillor Beavis during that investigation,
 - (c) treated Councillor Beavis with disrespect during the period that both Councillor Butland and Councillor Beavis were members of the same Political Party.
- 3.3 The second complaint alleged that Councillor Butland had acted with disrespect during the Council meeting on 16th December 2019.
- 3.4 In September 2019, Jonathan Goolden of Wilkin Chapman LLP was commissioned by the Council's then Monitoring Officer (Mr Ian Hunt) as the Investigating Officer (the Second Investigation). Having commenced the investigation into the first complaint, Mr Goolden was further instructed to also consider the second complaint in the course of his investigation.
- 3.5 The Investigating Officer completed their investigation and submitted their final report to the Council on 7 August 2020. The Investigating Officer determined that Councillor Butland had not breached the Council's Code of Conduct in respect of any of the aspects forming part of the first or second complaint.

4. Costs

- 4.1 The Committee is advised that the costs of the two investigations are as follows:
- (a) The complaint against Councillor Beavis - £2,499
 - (b) The complaint against Councillor Butland - £15,700.

5. The Complaint Process

- 5.1 The Council is required to have in place arrangements for dealing with allegations that Councillors have failed to comply with the Code of Conduct,

and provisions which allow for an investigation to be completed where one is required.

- 5.2 Having determined that an investigation was required in respect of both complaints, the Council's Monitoring Officer is required to consider the outcome of the investigation.
- 5.3 Where the investigation determines that there is no breach of the Council's Code of Conduct, the Monitoring Officer is required to report the findings to the Committee for information only, and no further action is required.
- 5.4 Where a breach of the Council's Code of Conduct is identified, the Monitoring Officer may seek to resolve the matter informally, or refer the matter to the Committee for a Standards Hearing.
- 5.5 Following the outcome of the first investigation, Councillor Beavis resigned from her Councillor role. The Council's Complaint Process sets out that where the Member subject to the complaint ceases to be a member of the Authority, the Monitoring Officer may stop the investigation. In this instance the investigation had already be concluded and therefore there was no requirement to stop the investigation.
- 5.6 Having received the First Investigation Report, the matter was suspended upon the resignation of Councillor Beavis. However, following receipt of the complaint Councillor Beavis brought against Councillor Butland, and in light of the fact that the two investigations are linked in terms of the relevant events and circumstances arising out of them, it was necessary to keep the two investigations together. The First Investigation and its investigation report was considered as part of the Second Investigation.
- 5.7 The sanctions available to the Committee had the First Investigation been brought to the attention of the Committee at that stage had fallen away as a result of Councillor Beavis resignation, and having repaid the Grant to the Council, any report at that time would have been for information only.
- 5.8 As the investigations are linked, it is now appropriate that these are formally brought forward and considered by the Committee for transparency and completeness.

6. Conclusion

- 6.1 The Committee are asked to note the outcome of both the First and Second Investigation and note that there will be no further action taken by the Council in respect of either complaint and that this now concludes the investigations into these two complaints.

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**FINAL REPORT OF AN INVESTIGATION UNDER
THE CODE OF CONDUCT INTO ALLEGATIONS CONCERNING:**

**COUNCILLOR JOANNE BEAVIS IN HER CAPACITY AS
COUNCILLOR
FOR BRAINTREE DISTRICT COUNCIL**

by

**Stephen Pearson, Partner
Freeths LLP**

(Appointed by Ian Hunt, Monitoring Officer of Braintree District Council)

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1. EXECUTIVE SUMMARY

On 14 April 2018, Mrs Caroline Burrows-Wren ("CBW"), acting in her capacity as a member of the public, made a complaint in relation to an alleged breach of the Code of Conduct by Cllr Beavis in her capacity as a District Councillor of Braintree District Council (the "District Council") this complaint relates principally to her making an application on behalf of the Braintree Community Foundation Community Interest Company ("the CIC") of which, at the relevant time she was sole Director, for a "Councillors Community Grant" for the CIC wherein:

- Cllr Beavis made a representation on the application form that she was one of two current directors of the CIC; and
- Cllr Beavis ticked a box on the application form indicating that there were a minimum of two authorised signatories required to authorise all financial transactions for the CIC;

Freeths have been appointed by Ian Hunt, Monitoring Officer of Braintree District Council to carry out an investigation into this complaint.

2. OFFICIAL DETAILS

Cllr Beavis has been a member of the District Council for 15 years and has been a County Councillor since 2017.

Mrs Burrows-Wren does not hold political office.

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3. THE RELEVANT LEGISLATION AND PROTOCOLS

The District Council has adopted a Councillors Code of Conduct (last revised in May 2015) in which the following key provisions are included:

General Provisions

"1.2 ...

Selflessness

To serve only in the public interest and never improperly confer advantage or disadvantage on any person."

"Integrity

Not to place themselves in situations where their integrity may be questioned, should not behave improperly as at all occasions avoid the appearance of such behaviour".

"7. Conferring an advantage or disadvantage.

7.1 You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.

"7.2 You must when using or authorising the resources of the authority, act in accordance with the authority's reasonable requirements and ensure that such resources are not used improperly for political purposes (including any party political purposes)".

It should be noted that, following discussion it has been agreed that para 7.1 is the only directly relevant specific provision which is engaged for the purposes of this investigation.

4. CHRONOLOGY

- 13 November 2017 – CBW emails Cllr Beavis to state that she is resigning as a director from the CIC “effective as of today”.
- CBW then contacts Barclays Business and Michael Watson of Watson Associates (who provide accountancy support to the CIC) to indicate that she wishes to be removed from the records of the company at Companies House and to be removed from the bank mandate related to the CIC.
- 13 November 2017 – Michael Watson confirms that director resignation has formally been submitted to Companies House.
- 13 November 2017 – notice posted at shop.
- 14 November 2017 – Cllr Beavis acknowledges resignation email.
- 17 November 2017 – Cllr Beavis emails Mr Watson indicating she is “disappointed about CBW’s decision”.
- 29 November 2017 – CBW makes claim for financial costs incurred in connection with community shop.
- 30 November 2017 – Cllr Beavis agrees arrangements to repay sums to CBW.
- Mid-January 2018 – CBW sends further note (described as a duplicate but slightly different) confirming her resignation and stating that she has informed various organisations including Insite, the CIC’s landlord, and asks for “a month or so breathing space”.
- 25 March 2018 – Cllr Beavis applies for grant under the Councillor’s Community Grant Scheme. This described both Cllr Beavis and CBW as directors.
- 27 March 2018 – Cllr Beavis’ application for a grant is received and approved for payment.
- April 2018 – CBW complains to the Leader of the Council, the matter is referred to Ian Hunt, the Council’s Monitoring Officer and then progressed under the Council’s Code of Conduct procedure.

5. DISPUTED FACTS

There are a number of disputed facts between the parties:

- Cllr Beavis indicates that although she did receive the purported resignation from CBW, she did not believe it was definite or final and felt that she might change her mind. She did not believe that the resignation was effective until accepted by the Board of the CIC.
- The notice/letter which CBW sent to Cllr Beavis and which also, she states was posted within the community shop and both posted and hand-delivered to her home in November 2017 was not, according to Cllr Beavis, received or seen by her at the time.
- Cllr Beavis denies that she was aware that CBW had resigned as a director at Companies House from the Board of the CIC but Cllr Beavis says that when she made the application for a community grant in March 2018, as far as she was concerned, CBW was still a director of the CIC. CBW says that she must have known of the resignation by that point because Cllr Beavis signed a new Lease in her own name and discussed with CBW the amendment of the Bank Mandate, although she accepts that she was still formally an authorised signatory for monies as far as Barclays Bank were concerned at that point.
- Cllr Beavis has a difficulty with CBW being the person authorised to access financial records related to the CIC held by the CIC Bank (Barclays) in early 2018 and was sufficiently upset about her approaching the Bank and obtaining copy bank statements to consult her solicitors who, in turn threatened to report CBW to Essex Police.

6. THE EVIDENCE GATHERED

I have spoken, at length (in person) to the following:

- In person - Cllr Beavis (accompanied by her legal adviser, Mr Samuel Bawden).
- In person - Mrs Caroline Burrows-Wren.
- (On the telephone) with Mr Michael Watson, Accountant.

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7. SUMMARY OF MATERIAL CONCLUSIONS / CODE OF CONDUCT ASSESSMENT

The conclusions which we would draw in this case are:

- 7.1. There has clearly been a breakdown in the personal relationship between CBW and Cllr Beavis, perhaps as a result of different management "styles" which has, it would seem, unfortunately led to this complaint. CBW has clearly been upset by the situation which led to her complaint.
- 7.2. As far as this investigation is concerned, there is no allegation that the monies received by the CIC were used in any other way but for the benefit of the CIC in terms of installing display fridges within the village shop – although only 2 of the 3 fridges claimed for have yet been purchased as at the date of this report. Accordingly, Cllr Beavis derived no direct financial benefit from the payment of the grant, although it could be said that politically, her role in supporting the village shop might well be popular with constituents and therefore she derived political advantage through the prospect of a grant for a cause which she was closely identified with.
- 7.3. The application form contains certain key elements. In response to the question *"Please provide details of the main contact in the organisation"* the names *"Caroline Burrows-Wren and Joanne Beavis"* were given, with the statement made that the position they held was, in each case that of a director. With respect to the bank account in response to the requirement for a confirmation *"I confirm that a minimum number of 2 people must sign to authorise all transactions (including cheques and on-line transactions)"* was ticked. Additionally, a declaration was made at the end of the first part of the form by Cllr Beavis which stated *"I am authorised and eligible to sign and approve this application on behalf of the organisation and declare the information given in this application is true and accurate ... I certify that all the particulars given in this form are correct and that any grant money received from Braintree District Council will be used for the purposes stated in this form. The Council reserve the right to reclaim any grant not used for the purposes stated in the form"*.
- 7.4. Although we note what Cllr Beavis says, we think the only reasonable conclusion that could have been reached when a very clear resignation email was delivered on 13 November 2017 which included the comment *"I have today submitted the correct paperwork to Companies House and the CIC Registrar"* is that a resignation was made by CBW which was permanent and definite.
- 7.5. We also understand from Mike Watson, the Accountant to the CIC, that he shared an email with Cllr Beavis as early as 17 November 2017 which Cllr Beavis acknowledged and which must have led to her to the conclusion that the resignation had taken effect and was being dealt with in accordance with all the necessary formalities.
- 7.6. Although there may be some confusion over why there was such a delay in having CBW's name removed from the Barclays Bank mandate related to the CIC, as a question of fact, it would appear to be correct that in March 2018 there were still formally two signatories to the relevant bank account. However, this does not mean that CBW would necessarily have been willing to authorise "all" transactions.
- 7.7. The statement made on the form is *"I confirm that a minimum of two people must sign to authorise all transactions"*, which I am prepared to accept is wrong, but based on an innocent misunderstanding. That does not really explain the reasons for which Cllr Beavis chose to threaten to report CBW to the police, but that is not within the scope of this investigation.
- 7.8. We are forced to the inescapable conclusion, that by 25 March 2018 (the date on which the application for funding was made), Cllr Beavis must have been aware of

the resignation of CBW as a Director of the CIC at Companies House, because CBW stated quite clearly in her emails as far back as November 2017 that she had submitted her resignation, and we would refer to the email sent to Michael Watson, Accountant on 17 November from which it would appear to be clear that Cllr Beavis acknowledged that CBW's resignation had been submitted and was effective.

- 7.9. We do not know whether Cllr Beavis was fully aware of a requirement for two directors (or at least 2 signatories) to be in post in order for the community grant application to be approved but, in our opinion, she ought not to have completed the application form as she did.
- 7.10. We have now seen detailed guidance issued by Braintree District Council concerning the process for applications for, and approval of, community grants. This states that all information within the application must be correct, but is silent on the requirement for 2 bank signatories to be required in connection with individual transactions.

8. FINDINGS

My findings are:

- 8.1. For the reasons set out above, I do find that Cllr Beavis completed the application form for a community grant falsely, in particular where she claimed that both herself and Caroline Burrows-Wren were Directors of the Braintree Community Foundation CIC. My understanding is that, if there were not 2 directors, it may have been the case that the application for a grant would have been unsuccessful or, at least, it would have been subject to additional scrutiny. This is, in part, because Cllr Beavis had a personal interest in the matter (admitted within the form as submitted) in the CIC, although she did not tick the box to confirm whether she regarded this as a discloseable pecuniary or personal interest.
- 8.2. A dictionary definition of the word "*improperly*" is "*being against a law or a rule; dishonest or illegal*".
- 8.3. It is my belief that Cllr Beavis took the action in the manner which she did, in particular making a false statement over the directorship of the CIC, in order to secure for herself the "advantage" of being associated with the community shop as its benefactor to assist her political reputation and profile. This is, in my view, therefore both improper and done in order to secure an advantage for herself.
- 8.4. As such it is my finding that Cllr Beavis did breach paragraph 7.1 of the Councillors Code of Conduct "*You must not use or attempt to use your position as a member improperly or to confer on or secure for yourself or any other person an advantage or disadvantage*" with regard to the statement made concerning the existence of 2 directors.
- 8.5. It was a fortunate situation that there were still 2 current signatories to the CIC bank account with Barclays by 25 March 2018. However, this does not, in itself, mean that there would have been 2 signatories required to validate all transactions, but this is a reasonable assumption to make. By March 2018, CBW would not, in my understanding, have been generally willing to sign-off any CIC payments, even if she was technically able to do so. I accept there is some confusion over Caroline Burrows-Wren's status in this regard at the relevant time and therefore I would not state that her action was in breach of the Code. Accordingly, on balance I find that Cllr Beavis did not act improperly with respect to her claims in regard to the requirement and existence of 2 financial signatories and is not in breach of paragraph 7.1 of the Code of Conduct in this respect.

9. WITNESS STATEMENTS AND ENCLOSURES

9.1. Witness Statement / Comments of Cllr Beavis

9.2. Witness Statement / Comments of Caroline Burrows-Wren

9.3. Email from Mike Watson

9.4. General correspondence

- Email from Graham Butland to CBW dated 14.4.18
- Letter from Braintree District Council to Cllr Beavis dated 26.4.18
- Email from Cllr Beavis dated 2.5.18 re Councillor Grant Scheme
- Letter from Braintree District Council to Cllr Beavis dated 8.6.18
- Letter from Holmes & Hills LLP to Ian Hunt dated 29.6.18
- WhatsApp message from CBW to Cllr Beavis (undated)
- Email from Ian Hunt to Cllr Beavis and her Solicitor dated 11.7.18
- Letter from Holmes & Hills LLP to Ian Hunt dated 16.7.18
- Email from Ian Hunt to Samuel Bawden of Holmes & Hill LLP dated 8.8.18 and corresponding email trail
- Unaudited financial statements for the year ended 30.11.17 for Braintree District Community Foundation CIC
- Form CIC34
- List of Companies House entries for Braintree District Community Foundation CIC
- Braintree District Foundation Community Interest Company / Gosfield Foundation Community Interest Company – Structure and Governance

9.5. Braintree District Council Grants Guidance Booklet

ENCLOSURE 9.1

Comments of Joanne Beavis

Cllr Beavis ("Joanne") has been a Member of Braintree District Council for 15 years, including as a Cabinet Member for 9 years. She has also been a Member of Essex County Council for 1 year.

Joanne has been involved with the Braintree District Community Foundation CIC ("the CIC") since 2015. Its activities relate to delivering and supporting community-based projects in the Braintree district. In terms of the creation of the CIC, the Wren Consultancy CIC was referred to as "potential recipient of the Company", assets within the Articles of the CIC (see "JB1" attached).

Joanne's initial involvement was with the Gosfield Foundation CIC, where she came across Caroline Burrows-Wren.

Cllr Beavis has operated as an independent adviser for some years being involved in a range of commercial and community-based bodies. Basically, it was her idea and business plan which created the CIC.

The funding application related to the need to replace the current old fridge and freezer at the Castle Hedingham Shop with new replacement units. Although Castle Hedingham Parish Council was able to make a small contribution of about £450, an application for £1,383.80 was required which was the sum outstanding from a fund enabling councillors to support good causes within their wards. The shop was a previously a privately-owned operation but was only open on a semi-permanent basis when taken over by the CIC. The sum quoted for the display fridges followed quotes which were obtained. The application form is attached at "JB2" and was signed-off by Joanne and Cllr Johnson as the two Hedingham Ward Members. Receipts for the fridges purchased are annexed as "JB3".

Joanne, as Director, received Caroline Burrows-Wren indication of resignation via email sent on Monday 13th November (attached at "JB4") during a time which a lot of hard work had been done by Joanne to re-open the Castle Hedingham Shop including supervising the refurbishment and stocking. Joanne did acknowledge the indication of resignation on the 14 November but did not consider it to be part of the formal process of the Articles of Association and asked for the resignation to be forwarded on proper companies letter headed paper. Joanne added that she had noted the initial communication from Caroline Burrows-Wren but was not convinced it was a serious statement bearing in mind Caroline Burrows-Wren's previous indications of resignation which were subsequently rescinded and additional communications, at that time from Caroline, to say that she would be working for Braintree District Council and then another organisation but would carry on supporting the CIC. The messages were mixed and plentiful. Subsequently she understood that a note was placed in the shop informing volunteers but she was not aware of this at the time and

certainly did not receive a copy of the letter circulated by Caroline. Joanne thought that it was unreasonable for Caroline to resign at this time under the circumstances of opening two new shops and did not believe that she had accepted the resignation because the formal process of the internal governance of the CIC would need to be undertaken to hand over responsibilities and formally note the resignation. Joanne's view could be summarised as "You can't just do that". There had been no handover process and Caroline, who operated the bank account and finances would need to explain her roles. Joanne had received no formal communication from the CIC accountant as formal evidence that Caroline had left the CIC. In Joanne's previous business transactions she had employed professionals to advise her. In this instance nothing formally came from the accountant/spokesperson of the CIC.

At around this time, Cllr Beavis received a number of messages on social media from Caroline related to her resignation (see attached note of 15 November 2017 at "JB5"). In the meantime, Cllr Beavis was heavily involved with getting the shop operational as Caroline's resignation came only a week after the shop was re-opened and it was an extremely busy time.

After the November period, Caroline did, as Cllr Beavis understands it, go back to the shop from time to time, particularly the Braintree shop in connection with storeroom stock which needed to go back to the supplier. Caroline did not hold on to the shop keys.

Because Cllr Beavis did not receive the original resignation letter, she asked for a further copy to be provided, which was sent in January (marked "JB6") to which Caroline added "this is a duplicate as it seems Joanne did not receive the original via Royal Mail". This letter was slightly different in that it referred to Caroline having "breathing space" for a month, during which Cllr Beavis understood she was not to make contact.

During January Caroline wrote to Cllr Beavis indicating that she had spent costs in starting up the shop which she had absorbed personally and it was agreed that Cllr Beavis would pay to her a sum of £[REDACTED] per month to cover the sum of £[REDACTED] which she claimed with respect to such things as shelving, stationery and decorating of the shop etc. She believed that £[REDACTED] of this had been paid so far.

It was also apparent that rent had not been paid for the last 2 months of 2017 and Caroline was involved in dealing with Ignite, a company owned by the Council with the need to ensure that the lease could be transferred over to Braintree District Council as landlord from 1 January when Ignite was ceasing to trade.

Because of Caroline's continued activity at the CIC and the fact that no formal process had taken place at the CIC to formally receive and act on Caroline's indication to resign, Joanne still regarded Caroline as a Director. Caroline was still a signatory on the bank account. No formal handover meeting had taken place for Caroline to explain the operation details of the financial accounts and the bank account albeit an email from CBW to Cllr Beavis (attached as "JB7") agreed that the signing arrangements were "strange". Caroline, through her personal CIC, was still a recipient of the company's assets. Caroline was still receiving a monthly payment whilst waiting on the formal process of the CIC to be actioned and the accounts covering the accounting period to February 2017 were being signed off. Caroline was still going to Barclay's bank to collect the bank statements. Joanne, as potential remaining Director, saw it as her duty to carry out the formal process of the CIC and to write to and update Companies House. At the time of meeting Joanne, this process was pending a meeting of the CIC to formally action the changes of the CIC governance. Joanne would refer again to the letter she received from Caroline in January 2018 asking for a month or so "space", due to Caroline's [REDACTED] before meeting to talk over the formal process of Caroline leaving the CIC.

The Councillor Community Grant Scheme application form also contained a statement indicating that there were two signatures required to authorise financial transactions. At the time of Joanne signing the form Caroline was still a signatory on the bank account under special signing arrangements which Caroline had indicated were strange. Caroline could not remove herself from the bank account without the authorisation of joint signatories and it was Joanne's firm belief that both signatures were required for all banking transactions set up under a special signing arrangement. Although a copy of the bank mandate change was supplied to Joanne this was not processed as the bank confirmed to her that the account would not be frozen, as indicated by Caroline, if Joanne refused to sign the mandate change. The bank confirmed that it would take two signatories to remove Caroline from the bank account and Joanne was informed by the bank that as long as both signatories remained in place the bank account would continue to operate effectively. Joanne was not content to allow the bank account to operate under a single signing arrangement and therefore did not sign the form preferring to wait until the formal process had been undertaken of the CIC governance procedures. The bank then confirmed to Joanne that the bank signing arrangement were two signatures to sign.

Cllr Beavis had raised the issue in terms of whether it could be said that in any way she used her position "improperly to confer on or secure" an advantage to her. She does not feel that she behaved improperly at any time and given that any profit made by the shop would be ploughed back into the community does not see how she could have benefitted personally from any information within the application form being incorrect.

Cllr Beavis is concerned that the complaint made against her is politically motivated and would draw attention to the email dated 14 April from the Leader of the Council to Caroline Burrows-Wren made available as part of the investigation (see "JB8"). She would question why the complaint was sent to the Leader of the Council, rather than the Monitoring Officer and would note that reference made to allegations which Cllr Beavis had herself made concerning bullying and is part of a campaign against her by the Leader of the Council, who has been the subject of a bullying complaint made by Cllr Beavis.

The Companies Act 2006
Articles of Association

BRAINTRON DISTRICT COMMUNITY FOUNDATION CIC
INTERPRETATION

1. Defined Terms

1.1 The interpretation of these Articles is governed by the provisions set out in the Schedule at the end of the Articles.

1.2 COMMUNITY INTEREST COMPANY AND ASSET LOCK

2. Community Interest Company

2.1 The Company is to be a community interest company.

3. Asset Lock

3.1 The Company shall not transfer any of its assets other than for full consideration

3.2 Provided the conditions in Article 3.3 are satisfied, Article 3.1 shall not apply to:

- (a) the transfer of assets to any specified asset-locked body, or (with the consent of the Regulator) to any other asset-locked body; and
- (b) the transfer of assets made for the benefit of the community other than by way of a transfer of assets into an asset-locked body

3.3 The conditions are that the transfer of assets must comply with any restrictions on transfer of assets for less than full consideration which may be set out elsewhere in the memorandum and Articles of the Company.

3.4 If:

3.4.1 the Company is wound up under the Insolvency Act 1986; and

3.4.2 all its liabilities have been satisfied

any residual assets shall be given or transferred to the asset-locked body specified in Article 3.5 below

3.5 For the purposes of this Article 3, the following asset-locked body is specified as a potential recipient of the Company's assets under Articles 3.2 and 3.4:

Name: WHEN CONSULTANCY COMMUNITY INTEREST COMPANY
Company Registration Number 8775674
Registered Office: Corner House, Market Place, Braintree, Essex CM7 1HQ

"JB2"

Councilors' Community Grants Application		Date rec'd	10/10/18	Monitoring sent	
		Date for payment	10/10/18	Monitoring rec'd	
		T&Cs sent	10/10/18	Clt informed	
		T&Cs rec'd		Form to governance	

grants

A. QUESTIONS ABOUT THE ORGANISATION

1. Name of the organisation

Braintree Women's Football Club Ltd

Type of Organisation:

- ☐ Registered Charity
☒ Constituted 'not for profit' Community or Voluntary Group
☐ Parochial Church Council
☐ Social Enterprise e.g. Community Interest Company, Co-operative
☐ Village Hall or Recreation Ground Committee
☐ Sports Club
☐ Town or Parish Council (see guidance)
☐ School (see guidance)
☐ Other (please specify)

If registered charity, please state number

9889242

If registered as a company e.g. Community Interest Company or Limited by Guarantee please state number

YES
Company

Website (if applicable)

2. Please provide details of the main contact at the organisation

Name

CAROLINE BURGESS & JANNE BEAVIS

Position held in organisation

DIRECTORS

Address for correspondence

COWEL HOUSE BRAINTER ESSEX

Postcode

CM7 3HX

Telephone Number

Email Address

Braintree
District Council

A. Your organisation's bank/building society account details

Name on Account BRAINREE DISTRICT COMMUNITY FOUNDATION

Sort Code [REDACTED]

Account Number [REDACTED]

Building Society Roll Number [REDACTED]

I confirm that a minimum of two people must sign to authorise all transactions (including cheques and online transactions) ☒ Yes ☐ No

Signature of one of the signatories [REDACTED]

B. QUESTIONS ABOUT THE PROJECT

Project name COMMUNITY SHOP COLD & HEATED STORE IMPROVEMENT

How much are you applying for? £1,383.80

The overall cost of the project or activity £1,837.85

Are you awaiting confirmation of funding from other sources for this project? Received as a donation from Castle Hedonham

Please describe the project that you are seeking funding for in no more than 500 words and attach any supporting information. CASTLE HEDONHAM P.C. TO PAY £454.05
THE CASTLE HEDONHAM COMMUNITY SHOP ESTABLISHED IN NOVEMBER 2017 (HAS BEEN) DESCRIBED AS "BEST PROJECT IN CASTLE HEDONHAM IN 2018"
THE SHOP IS A LINK & LIFE LINE TO THE 1000 POPULATION & ONE OF THE COMMUNITY'S MAIN ACTIVITIES

Budget details
 A breakdown of how the grant will be spent:

Item	Cost
FOOD	1,473.83
FOOD	473.83
FOOD	890.79
Condition from Castle Hedonham	£454.05

C. SUPPORTING DOCUMENTS

What policies and procedures does the organisation have?

Constitution / set of rules	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Minimum requirement
Safeguarding Policy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Not applicable <input type="checkbox"/>
Health & Safety Policy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Not applicable <input type="checkbox"/>
Equal Opportunities Policy	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>	Not applicable <input type="checkbox"/>

Which of the following insurance cover does the organisation hold?

Public Liability (minimum £5 million)
Employers Liability
Professional Indemnity
Other (please specify)

Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>
Yes	<input type="checkbox"/>	No	<input type="checkbox"/>

minimum requirement
Not applicable
Not applicable
Not applicable

D. DECLARATION

Part A: For completion by Organisation

Declaration: I am authorised and eligible to sign and approve this application on behalf of the organisation and declare the information included in this application is true and accurate.

I understand that the information provided, will be used to assess this application and subsequently to monitor the services that the organisation has agreed to provide.

I understand that in the assessment of this application the Council may share information contained within it with other core funders, relevant Council directorates and committees.

I certify that all the particulars given in the form are correct and that any grant money received from Braintree District Council will be used for purposes stated in this form. The Council reserves the right to reclaim any grant not used for the purposes stated on this form.

I understand that the grant applied for must be spent within 6 months of the grant being awarded, and that any grant provided will not be provided on an ongoing basis in future years.

Name:

NIAMIE BEAVIS

Signature:

[Redacted Signature]

Date:

25/3/18

Position in organisation:

DIRECTOR

DATA PROTECTION: SOME OF THE INFORMATION PROVIDED BY YOU WILL BE HELD ON A DATABASE. THIS MEANS IT IS COVERED BY THE CONDITIONS OF THE DATA PROTECTION ACT 1984. PLEASE INFORM US OF ANY CHANGES.

Part B: For completion by the Ward Councillor

Amount of funding to be allocated from my Councillors' Community Grant Budget (£):

£691.90 of the
total of £
1383-80

Declaration: I support this application on the condition that this application meets the Council's priorities and scheme guidelines.

☐ I have a disclosable pecuniary or personal interest

Details of declaration of interest if applicable (e.g. do you have a connection of any kind to the group or organisation applying for the grant):

WARD COUNCILLOR

Name:

HYLTON WILKINSON

Signature:

[Redacted Signature]

Date:

25/3/18

"JB3"

SHOPEQUIP

quality equipment direct

SHOP-EQUIP LTD
Park View, North Street
Longwell, Mansfield
Nottinghamshire, NG20 9BN

T 01623 741 500
F 01623 741 505
E info@shop-equip.com

Find us online...
Facebook /shopequip Twitter /shopequip

WWW.SHOP-EQUIP.COM

The Village Shop
5 St. James Street
Castle Hedderham
Nottingham
NG20 9BN
Great Britain

Invoice

For Order 0000247761 Dated 02/05/2018
All Amounts In Pound Sterling
Invoice No. 0000233163
Invoice Date: 04/05/2018
Customer Document No: 200007349
Customer Account: 00052113

Line	Item Code	Description	Quantity	Unit	VAT Code	Net
1	CB921	Polar Glass Door Display Freezer 365Ltr - CB921	1.00	Each	1	£720.98

VAT Analysis...

Code %	Net	VAT
1 20.0% Standard Rate	715.98	144.20

Delivered To
The Village Shop
5 St. James Street
Castle Hedderham
Nottingham
NG20 9BN
GB

NET	£720.98
VAT	£144.20
GROSS	£865.18
DUE WITHIN SETTLEMENT DAYS	£865.18

Paid In Full - Thank You For Your Payment

Outstanding payments can be made via Debit or Credit Card or via BACS Transfer.
Account Name: Shop-Equip Ltd Account Number: 9009 0964 Sort Code: 40 27 15

Telephone: 01623 741 500 Fax: 01623 741 505 Click: www.shop-equip.com

Fridge Freezer Direct Ltd

41 Brookside
Burbage

Hinkley
Leicestershire LE10 2TG
United Kingdom
T 01455 234776 F 01455 447114
VAT Reg No. GB 100 4955 50 Co. Reg. 7357723

Order Confirmation
SO-033199

FridgeFreezerDirect
The UK's most convenient refrigerator
and freezer delivery service

CUSTOMER

Joanne Bonds
Easton Cottage
Park Hill Road, Gossfield
Haverhill CB9 1SQ
United Kingdom

07500015981

SHIP TO

Joanne Bonds
The Village Shop
5 St. James Street
Castle Hedingham
Halstead CO9 3EJ
United Kingdom

07500015981

SO Date: 26/05/2018

NO Code

Currency

GBP

Payment Term

Payment Due on Order

Shipping Method

Standard Delivery Charge

Item Name	QTY	UOM	Item Description	Sales Tax	Sales Price	Disc	Net Price	Ext Price
FS1380_1	1.00	EACH	Tefold FS1380 Single Glass Door Upright Bottle Cooler	86.70	433.48	.00	433.48	433.48
STD_DZL	1.00	EACH	Standard Delivery	.00	.00	.00	.00	.00
Right	1.00	EACH	Right Hinged Door	.00	.00	.00	.00	.00

All goods must be signed as unchecked if unable to do so when delivered.
All defects must be reported and logged with FFD within 24 hours of delivery.

Please be aware, all deliveries are between 8am & 6pm Mon to Fri.
Deliveries are Kerb side only, unless a position & unpack service is paid for additionally.
Please make sure there are no delivery restrictions that could prevent delivery.
Check deliveries within a 24hr period and report to us (after this period, claims will not be accepted).

Sub Total	433.48
Freight	.00
Other	.00
Sales Tax	86.70
Total	520.18

Please Note - Very Important

To ensure that your delivery goes as smoothly as possible, please read the following information carefully.

1.) Vehicle Access - Please ensure that your delivery address is accessible for our lorry. Narrow access, parking restrictions, low bridges, etc... will all prevent delivery; Which will be classed as a chargeable failed delivery.

2.) Item Size & Access to building - All our deliveries are kerbside only to the closest threshold, unless you have paid for an additional service. Please ensure your item(s) will fit through your largest access point! If the item does not fit, and you wish to return it, then a failed delivery and re-stocking charge will apply.

3.) Delivery Times - All deliveries are made between 8am and 6pm, unless you have paid for a timed delivery service where applicable. Please ensure someone is available to take delivery. If you have provided a telephone number, please ensure that you can take a booking in call if applicable, as delivery cannot be made until it has been booked in with yourself.

4.) Failed Deliveries - A "Failed Delivery" and/or "Re-stocking" charge will apply if no one is available to take delivery on the agreed day, there is blocked access, or if the wrong item was ordered.

5.) If Plans Change - Please be aware that should you decide to cancel your order through no fault of ourselves or our suppliers and your item(s) have left the depot, a re-stocking charge will apply.

6.) Recycling - If you have paid for a recycling service, the item(s) should be ready for collection outside the delivery address, empty of all contents, and in reasonable condition to transport. I.e. No broken glass or sharp edges, and all refrigeration hardware intact etc.

7.) Booking Tradesmen & Ordering Stock - Please be aware of booking install and engineers, or ordering stock before your item(s) have arrived. FFD cannot be held liable for losses with regards to this.

Please be sure to view our full terms and conditions here: <https://www.fridgefreezerdirect.co.uk/terms-and-conditions/>

All goods remain the property of Fridge Freezer Direct Ltd until paid for in full. Standard terms and conditions of sale apply.

Date Printed: 29 May 2018

Page 1 of 1

"JB4"

----- Original Message -----

On Monday, 13 Nov, 2017 at 11:57, Caroline Burrows-Wren wrote:

Dear Jo

It is with great sadness I am informing you of my official resignation from Braintree District Community Foundation cic effective as of today.

I have today submitted the correct paperwork to companies house and the cic registrar.

I feel we have different business practices. The concept of the foundation is fantastic and has potential if run correctly and the memorandum be adhered to.

I have arranged for the shop lease to be put in your name only. I have attached this. It needs to be signed and returned to Jonathan at ignite today for your sole tenancy.

I have also arranged for my name to be removed from the bank account. There is a form from Barclays in an envelope in the shop. You need to sign this then scan back to them within the next 48 hours.

As I am no longer a signatory on the bank account you will need to ensure that the public/employee liability is in place.

There will be things to address over the coming weeks.

Jo I wish you well . you are a friend we just have very different ideas in business and I have no malice or prejudice against you. I will continue to support you in any way possible. You only need to ask.

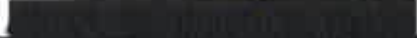

Most of it has been fun, exciting and definitely a learning curve.

Take care

Caroline

"JB5"

15/1

Hi Jo. I left the keys with Ignite staff this morning and the pin sensory and membership card is already with Watsons. I am just putting all the invoices etc in order. I do hope we can work through this Jo. 


which is why I told you I needed a weekend off here and there . I'd been working 6 days a week for nearly months then going home working on the report or out leafleting. Clearly we have different ideas of how things are done. I genuinely wish you nothing but good things. It would be good if we could have a coffee and move on as friends. X



"JB6"

Brintree District Community Foundation c/c

ATT: Joanne Beavis

To Joanne Beavis and Brooks Newmark of Brintree District Community Foundation c/c. members of B.C. Ohio Boutique & Grade Housework vintage :

"I am aware I and Anne were no choice other than to resign from the Brintree Foundation effective as of 13th November 2017. I have completed and filed form TM01 with Companies House. I informed our accountant Watsons. I signed a removal agreement with Anne removing my name from the lease on Shabby Chic Boutique Shop. Jo as I informed you the form is on the desk in the shop which you need to sign and return within 48 hours. (This is in accordance with the information the bank clerk gave me). The policy is in place to protect the remaining signatory in case of disagreement, however we are both aware this is not the case for us. I am concerned however that they mentioned possibly freezing the account if the form is not returned on time. I therefore brought it to their attention that this would cause issues with ordering and bill paying. Fortunately they have noted this on account accordingly. Your new lease agreement is also on the desk which Jonathan has written up for you as a temporary lease to see you through one month only until the Brintree District Council take over the building as your new Landlord, he also needs a copy of the Public Liability which you ensured the was in place. I have been asking you for a copy since September. I have also informed you it is unlawful to trade without this. All volunteers are entitled to a copy, and all customers may view the document upon request.

I shall in due course leave my keys with Anne. I shall also leave the updated invoices and receipts with Watsons. As discussed I have a total amount of £1000.00 outstanding which you offered to repay to me & 'independently', and this is fine with me. you are aware Jo, I mostly financed the set up of the shop (Decorating, window and our initial stock orders). I shall leave full details with Watsons accordingly.

If I can be of any support in the future please do feel free to contact me, although I would appreciate a month or so breathing space, as this decision has not been easy for me.

am resigning for professional reasons, not personal or financial. Full details are available upon your request on a separate document as I feel it inappropriate to discuss my concerns within this letter.

As I would appreciate it if you would ensure Brooks receives the copy of my resignation.

I wish the Foundation every success for the future. If the memorandum is observed and adhered to I have every confidence this is possible.

This is a duplicate as it seems Joanne did not receive the original via Royal Mail

Caroline Burrows-Wren

co Founder

BDCF c/c + + +

Corner House Market Place Brintree Essex CM7 3HQ Tel: Joanne [redacted] Caroline [redacted]

Email: [redacted] @brintreefoundation BDCF c/c + + +

"JB7"

12/12/2017

Conf - Re: Resignation



Go to inbox

Re: Resignation

1 message

Caroline Bouteau-Wilson
To: Joanne Bouteau

14 November 2017 at 10:11

Jo Please don't worry. I also thought it was a strange policy and I had the same concerns as you Jo. I am aware that things need to be paid. I'm not responsible for the, I spoke to Barclays. Basically they only freeze if seriously between partners has been included and a risk of unauthorized overdraft. I have assured them that this is not the case between us. We are friendly. Don't panic I wouldn't do that to you. You should know that by now. Everything will be fine.

With kind regards Caroline
telephone, [REDACTED]

On 14 Nov 2017 10:11, "R Bouteau" <[REDACTED]>

Dear Caroline,

Of all the information you have sent in the past few days most of which will cause me significantly amount of anxiety but I feel I can deal with your move on the bank account is the most worrying. There are cheques which have been written to suppliers this week which will need time to clear this week.

It is totally not responsible as an individual to leave anyone in such a dilemma. The rest I can deal with and manage but the bank account is really not acceptable, at such short notice, to consider blocking my access to the bank account.

You could at least stay in the bank account and allow your name to come off without the threat to any of the bank account closing down.

I will need to pay money in this week. I'm struggling to understand why the bank account will be frozen just because your name is coming. I would hope your instruction to the bank would be your name needs to be taken off but the business does need to operate and the account must not be frozen.

I would be grateful of a quick response. I will email the bank manager at Barclays, Bouteau to take his advice.

I am very concerned about the bank account.

Regards, Jo,

"JB8"

Re: Cllr Joanne Beavis COMPLAINT

1 message

Butland, Graham <GrahamButland@brainees.gov.uk>
To: Ms Mian [REDACTED]

14 April 2016 at 16:44

Dear Caroline,

Thank you for your email which raises a number of issues which I will need to consider.

At this moment I acknowledge receipt of it but I will respond to you in more detail shortly.

Kind regards
Graham

ENCLOSURE 9.2

Comments of Caroline Burrows-Wren

Caroline has been involved with the Braintree District Community Foundation CIC ("the CIC") since November 2015 as a Co-Founder and Director, prior to resigning in November 2017. She is not politically active. Cllr Beavis originally approached her on advice concerning the initial set up of the Gosfield Foundation CIC in 2013. The objective in November 2017 was to re-open the village shop in Castle Hedfield as a community asset, under Braintree District Community Foundation CIC.

Resigning as a Director from the CIC was not a decision that Caroline made lightly. She found Cllr Beavis difficult to deal with. For example, when she suggested that meetings needed to be held to discuss such things as business planning, entering into the tenancy and developing the Castle Hedingham shop. Cllr Beavis would simply refuse to attend.

On one occasion, Caroline called an urgent meeting and wished to include Brooks Newmark and Mike Watson the Accountant as a result of a Village representative approaching Caroline with some very negative comments about Cllr Beavis and the CIC that had been raised by some of the Villagers. Cllr Beavis responded by texting.

"We had a lot of negativity when establishing the Gosfield Village Shop. The overall view of the Parish Council who are supporting the project is very positive and well done. You will always come up against negativity. I'm the District Councillor for Castle Hedingham so I'm quite used to the negative comments from time to time. She went on to say there was no need to involve Brooks, I also think we need to remember that Mike is our accountant, not a member of the Foundation".

Cllr Beavis did not ask what the meeting was about, simply asked for the representatives name, which Caroline was not prepared to put in a Text message. Caroline states that, had Cllr Beavis responded appropriately she would have been told the concerns, which would require support and guidance from Brooks and the Accountant. She would also frequently not reply to emails or return telephone calls.

Caroline felt that Cllr Beavis was not sticking to what was agreed as "good practice". For example, there was no proper discussion about the terms of the Castle Hedingham tenancy that was being proposed and no business plan for the shop was ever adopted. All the publicity for the venture had Cllr Beavis' name on it, although Caroline was a Co-Founder/Director of the CIC. Cllr Beavis organised the public meeting at which the Parish Council were supportive and volunteers were obtained. Caroline was only involved with this to a limited extent, even though she was a co-founder of the organisation. In particular, she recalls an occasion where she rang to discuss indicating her

caution over entering into the lease to be told by Cllr Beavis that it was too late, the decorators are in. In Caroline's view, it was impossible to run a business on this basis.

Caroline confirms that she sent her resignation letter (at the same time she sent the email) directly to Cllr Beavis' house (marked "CBW1") and also had it posted in the shop. It was sent to Brooks Newmark, the ex-member of Parliament for Braintree who was the Honorary President of the CIC. Caroline is surprised that Cllr Beavis claimed she never received a copy of this letter. At the same time as she resigned, she instructed Mike Watson, the Accountant supporting the CIC, to ensure that her resignation as a Director was recorded at Companies House. The original email accompanying her resignation is annexed at "CBW2" which made it clear that paperwork was being submitted to Companies House and the CIC Registrar to confirm her resignation. Caroline also arranged for the shop lease to be put in Cllr Beavis' name only and she sought to arrange for her name to be removed from the Barclays Bank Account for the CIC. There is no doubt in her mind that Cllr Beavis was well aware of her resignation. She left the keys for the shop as requested by Cllr Beavis within the shop and her company bank card with Mike Watson.

Although Caroline agrees that various emails did pass between her and Cllr Beavis (see "CBW3"), communication generally was difficult with Cllr Beavis, as she did not tend to return telephone calls. Often social media was the best way of contacting her. One point of contacting her was to recover the £[REDACTED] that she was owed for start-up stock and materials for the set-up of the Braintree Shop, which Cllr Beavis agreed (Again by Text). She was surprised that initially instalments of these monies were paid to her from Cllr Beavis' personal bank account rather than the CIC bank account, although she felt all the sums involved were justified. Agreement was reached that this payment for the Braintree shop stock would be made at £[REDACTED] per month. However, the payments were sporadic and she has some £[REDACTED] from Cllr Beavis' account on a monthly basis and then a further £[REDACTED] from the company's account itself up to May and a random payment of £[REDACTED] from the company account in October 2018.

Both Cllr Beavis and Caroline did take £[REDACTED] each in February to cover the expenses they both incurred during the initial start-up of the Foundation. I.e. petrol, printing, photography. Cllr Beavis has since put this through the accounts as wages, which Caroline feels is incorrect.

Caroline feels that the situation with the bank account requires to be clarified. She went to the bank branch (Barclays) in November 2017 and said that she wished to change the arrangements with regard to signatories (see mandate form at "CBW4"). The bank told her that the mandate form needed to be returned within 48 hours and that failure to do this might lead to difficulties with regard to the use of the account. She left the form at the shop. It appears that Cllr Beavis did sign it and return it, but the bank rejected the submitted form because Cllr Beavis' signature did not correspond

closely enough with the copy signature which they had on file. It is understood that Cllr Beavis then failed to re-sign and resubmit the form and on this basis it appears that for some months after, possibly up to June of this year, Caroline's name was still on the mandate to the bank account. Caroline was concerned by this, for example if there was an overdraft situation, she might have been personally liable.

With regard to entering the Castle Hedingham shop on one occasion, this related to certain particular matters only. For example, a lady called [REDACTED] supplied handmade greeting cards to the shop on a "sale or return" basis. The system was that when a sale was made of her products, the staff would enter details in a book and the monies would in due course be paid out of the shop takings. Caroline bumped into [REDACTED] who said that she had been to the shop, where a volunteer had told her that they did not know of such an arrangement. Caroline went to the shop in order to resolve the matter to be told that the book in which the sales had been recorded had been taken away by Cllr Beavis and therefore there was no record of monies. Caroline felt that this hurt her reputation in the area because [REDACTED] had made it known that as far as she was concerned she was defrauded out of monies that were owed her by the shop.

It became apparent in January 2018 that Cllr Beavis claimed that she had never received the original resignation letter and therefore a different copy was sent. It is accepted that the wording of this note was slightly different. Within this letter, she made it clear that it was important the bank mandate be returned and that the lease be resolved. Cllr Beavis seems to have taken the view that Caroline was taking action to deliberately freeze the bank account in some way which is not correct and a misunderstanding of the situation. Caroline would like to make it clear that after accepting her resignation, Cllr Beavis asked (By Text) her to help out with the I.T side of the business. Caroline responded with, *"No Jo, I need to take a step back, you have Volunteer name who is very good with I.T and is one to hold on to. I wish you all the best in the future"*

In April 2018, on collecting some post, Caroline found a letter addressed to her indicating that the CIC had been successful in its application under the Council Community Grant Scheme. Caroline's concern was principally that her name was on the application even though she had resigned from the company some months prior to this. She feels that this is because Cllr Beavis realised that it was required for the form to have two unrelated persons to authorise financial withdrawals but Cllr Beavis had no authority whatsoever to make an application for funding in her name. She was concerned that by having her name on the application, she was responsible for the way in which money was being dealt with by the CIC, which was a matter of great concern to her. She did visit the bank to obtain bank statements in order to ensure that they had been dealt with properly as she might still be regarded as being responsible for this. The result of this action (which she feels she was entitled to take as an account signatory) was that Messrs Holmes & Hill sent her a letter saying that she was

not authorised to behave in this manner, asking her to return or destroy the copy statements and stating that she would be reported to Essex Police, although she is not sure on what basis. For this reason, she sent a further letter to Cllr Beavis (see "CBW5") on 14 April. Within this letter she expressed concern over the bank mandate situation not being resolved properly, said that she was extremely disappointed by the application being made and recording her strong objection to continued obtaining or spending money in association with her name.

Caroline feels that the whole matter has hurt her reputation in the area and has caused her some degree of personal upset. For example, the matter has been reported in the Braintree and Witham Times stating that the matter was being investigated, which created some degree of guilt by association.

Caroline understands that she is still a named signatory on the bank mandate as recently as July although this may have since been resolved.

In addition, she feels that she has been the subject of certain pressure to accept a resolution of this dispute in order to spare embarrassment to Cllr Beavis. In particular, she has been contacted by the in-house lawyer at Uttlesford Council, who is a friend of Cllr Beavis in an attempt to "mediate". However, given how she has been treated she feels that she would wish to receive a public and written apology before she would consider withdrawing her complaint.

"CBW1"

Braintree District Community Foundation c/c



To Braintree District Community Foundation c/c, inclusive of Shabby Chic Boutique & Castle
Headingham Village Shop

It is with great sadness I find myself in a position of having to resign from the Braintree Foundation effective as of 13th November 2017. I feel that I am not an equal partner in the business, decisions are not made jointly between Joanne Beavis and myself. I have committed myself to the Foundation 100% I said I would take a year out to do this, in fact I have given it 2 years. I have overseen the Shabby Chic Boutique from finding the premises to opening the doors to the public giving it 6-7 days a week. I did not expect nor was there any kind of re-numeration for the time I have dedicated to the business and this is not an issue for me. Of course eventually one would expect the c/c to be in a financial position to award a small salary to its Directors, however this is a long way off.

I have requested Joanne to support me by opening the shop herself for a weekend here and there which she has refused to do. I also informed Joanne that I would need to secure employment by the end of 2017 as I have been supporting myself financially and subsidising the business for these 2 years and could not continue to do so post December 2017, thankfully I now have a very nice position of employment. The contract I have agreed with my future employers allows me to oversee the Boutique, I would have been able to work there a couple of days a week, ensure I ordered stock, support the volunteers and do the banking on a daily basis. Therefore my future employment would not have a negative impact on the business, I have kept Joanne informed of all of the above.

I have told Joanne in the past about my

Without the support I requested this and many other issues (which I feel are not suitable for this letter) have brought me to the decision to resign. I shall do everything in order and according to the guidance on Companies House. I shall file my TM10 48 hours after the date of this letter which will be 13th November 2017. I shall ensure my name is removed from the Bank Account, I shall remove my name from the lease of the Corner House Shop, and Joanne has informed me that there is no lease thus far on the Castle Headingham shop.

Caroline Burrows-Wren
co Founders and Directors

BDCF c/c

BDCF c/c

"CBW2"

Resignation

Burrows & Beavis/Investigation

Caroline Burrows-Wren [REDACTED]

13 Nov
2017, Re
11:57 ply

to Joanne, bcc: Mike

Dear Jo

It is with great sadness I am informing you of my official resignation from Braintree District Community Foundation cfc effective as of today.

I have today submitted the correct paperwork to companies house and the cfc registrar.

I feel we have different business practices. The concept of the foundation is fantastic and has potential if run correctly and the memorandum be adhered to.

I have arranged for the shop lease to be put in your name only. I have attached this. It needs to be signed and returned to Jonathan at Ignite today for your sole tenancy.

I have also arranged for my name to be removed from the bank account. There is a form from Barclays in an envelope in the shop. You need to sign this then scan back to them within the next 48 hours.

As I am no longer a signatory on the bank account you will need to ensure that the public/employee liability is in place.

There will be things to address over the coming weeks.

Jo I wish you well. You are a friend we just have very different ideas in business and I have no malice or prejudice against you. I will continue to support you in any way possible. You only need to ask.

Most of it has been fun, exciting and definitely a learning curve.

Take care

Attachments area

R BEAVIS [REDACTED]

14 Nov
2017, Re
08:26 ply

to me

Dear Caroline.

Many thanks for your email.

I read it with great sadness.

I understand your need to move on.

It would be helpful to understand what the commitment is from the volunteers you have.

Opening the shop is a key priority.

The image of the Foundation and I hope you would agree is fundamental.

I'm hoping that you will consider still supporting the Foundation and the web site is key to this in the short term until I find someone to take it over.

It would be helpful to understand also if your decision maybe recoverable is some way. I.e. Maintaining the website if I send you photos and news updates and perhaps putting the Annual Report on.

I would be grateful if you could close down the Twitter and FB pages. So that the website is the IT front of house.

I would not wish your departure to be mentioned on the Website. I believe the important issue is to put on the Annual Report and I can forward this once I have completed it.

I remain massively grateful of all of your support with both of my Foundations. I simply couldn't have done it without you, I'm truly grateful.

I'm grateful you have put the practices of your decision in place. I will contact Companies House.

Again I see it as a priority to remove Shabby Chic Twitter. The Foundation Twitter and the Foundation FB page. This will tidy up the IT to just the Website. And again I would be so grateful if you would update the Website if I send photos, news stories and the Annual Report.

kind regards.

JO.

----- Original Message -----

**Carol
ine
Burr
ows-
Wren**

14 Nov
2017, 08:43

Hi Jo My decision was not made lightly, and nothing to do with a need to move on. You have Debbie's schedule is o



R BEAVIS <[REDACTED]>

14 Nov
2017, Re
14:30ply

to me

Many thanks. I totally understand. I would assume you have spoken to the volunteers? I will pop in tomorrow at some point and pick up the reins from then. My best wishes for your future. Kind regards, JO.

----- Original Message -----

**Carol
Ine
Burr
ows-
Wren**

14 Nov
2017, 15:01

I informed yesterday's volunteers only. Jonathan wants your lease agreement back by the end of today. As I said in my previous email. This is only a temporary I

"CBW3"

M

at [REDACTED]

11/11/11 11:11 AM

11/11/11 11:11 AM

11/11/11 11:11 AM

11/11/11 11:11 AM

11/11/11 11:11 AM

11/11/11 11:11 AM

Your first statement I think says you, the paper it could have been paid, however I am concerned that if paid in one instalment this would leave the Foundation with a financial difficulty. Which is why Jo and I agreed to back in September the Foundation would start monthly payments in October. I'm not concerned about when, January as requested by Jo is fine.

Yes we agreed that we'd both probably have to incur costs as a directors loans. We also agreed I would decorate and stock the shop as Jo was away at the time and we couldn't open without stock. I have been quite generous with both my commitment of time (as expected from a partner) and finances, I do however need to claim something back which is why I have submitted what I have. Jo has been fully aware of everything.

I have to apologise Brooks, I feel I have let you and my community down.

I am extremely upset with the whole issue. A series of events have lead me to the resignation. Not a decision I made easily, but I am confident that I have made the right one.

11/11/11 11:11 AM

11/11/11 11:11 AM

11/11/11 11:11 AM

11/11/11 11:11 AM

brooks@newmarket.org.uk

11/11/11 11:11 AM

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11/11/11 11:11 AM

To Jo,

I have posted your email, my responses are in blue.

I think it is fair to say that we both had agreed to work each other and support each other in the community. There are receipts and invoices for stock and decorating sundries from you that you have put through the business account. You did not make me aware of any personal expenses you have absorbed, this would have been an area to discuss as a team, as I did with you regarding my outlay. I am not sure if this is the time for you to read it. I have not yet asked you about your own work. I also chose to not worry about many expenses and have absorbed quite a bit financially, as my interests lay with getting the Foundation off the ground. Many times I just chose not to worry about or would not dream of putting through our account, for example a large amount printing and stationery from day one of the registration of the Foundation, mileage from Brentree to Godfield for meetings at your home on a regular basis and

Driving around the District delivering brochures, during our set up and purchasing of the brochure and set up costs in the shop are things like the door bell, fiber, newspaper photo, paste table, the tea and coffee provision in the shop for hospitality, weekly decorative flowers for the display that you wanted to see, most of the timber and things for the first set of shelving, the cash tin, more of printing and auxiliary as we progressed further. I also filed the pre-loved section from my own possessions, made a pink bag collection as discussed, which I ended up doing on my own, and some of the decorating materials. I would never have changed the Foundation for lunches for myself and [redacted] while we were decorating, or indeed for myself during the months I was volunteering at the shop all day 5 days a week as you did. I also ensured our new volunteers had all the refreshments they needed

You are very aware that I have not been earning and income for 18 months of our 3 years set up period, with no expected re-numeration. Therefore I do feel that the first 18 months I am requesting repayment for (first few check orders (180000 MCF will profit from) and decreasing materials) is not a list in request. We agreed a £1000 per month repayment schedule originally, and I would like to stick to this. Bearing in mind I have been donating 6 days a week to the shop for over weeks as well as financially contributing it here and there. I have been without work and financially inactive for this time, which has only been possible because I have supported myself from my savings, which I will not continue with.

[illegible]

As you are very aware and from my comments above this is one of the reasons I loaned the amount for the initial outlay and set up costs. I am not ignorant of the fact that setting up a business costs money and director loans are common place.

I signed the letter dated August 8, 1990, as the Director/Partner [redacted] and [redacted] (jointly) advised me that my involvement was limited to the Village Shop. I did not have any financial involvement of, (I certainly would not have an issue with this, I would consulted on [redacted] financial involvement of, I certainly would not have an issue with this, I would Jo, I have not been privy to any intrigues, moral agreements, the requirements of fixtures and fittings or any agreement you have made with anyone else with regards to the Village Shop. This is very unprofessional. I will not discuss financial matters with [redacted] and I will not be involved in any decisions about being realistic of expectations of an individuals input and where to put the breaks on. I had not been consulted on the public meetings, until you sent me the poster you had designed, that stated that YOU are the Founder?? I have been totally left in the dark despite my requests for information, progress reports and up-dates. You went from first "telling me" about the opportunity in saying "The directors are in". I don't think you understand how frustrating this is, we were after all business partners. All being said it is nothing to do with me now, as it seemed nothing to do with me from the beginning of Nefedghens.

This and many other losses that arose are what brought me to my decision, after seeking professional advice I chose to resign.

you have to do is pop upstairs to Watsons for £20 the documents, this would take you 5 minutes. I have not taken photocopies of the receipts and invoices as we are working on a basis of trust.

without prejudice

MISS JULIA HEDDERLEY
Caroline Hedderley, 191011
10, Fildes
Bridgeway, Broomfield, Gloucestershire

PRIVATE

10, Fildes, Broomfield, Gloucestershire, GL1 2JH

Dear Mr. [REDACTED],
I am writing to you regarding the [REDACTED] [REDACTED]

I think it is fair to say that we both feed start up costs ahead if I was happy for mine to be absorbed personally. I appreciate that this is not the case for you and it seems reasonable to me that you seeking your costs back.

I have since discovered from Igite that two months rent has not been paid and I'm currently working to rectify this with Igite before the transfer to BrainTree DC from January 1st.

In addition, I would sincerely hope that you would agree, that in order to pay the rent and make the business model work at Shabby Chic I do have to stock it and of course this is all a financial burden on my personal purse in order to make a success of Shabby Chic particularly in the early days of this project. I hope that you would also agree that the same applies to Castle Hedingham and Julia and I (jointly) agreed that our personal financial contribution to the Castle Shop will pay a return to us but certainly not in the first 6 months of the business. This is a personal financial risk that [REDACTED] and I are able to afford but nonetheless the business requires some stability in terms of its day to day cash flow.

With all of this in mind,

I would be happy to make a personal payment to you of £1000 each month until the arrears are paid. I would not be happy for this to appear on the accounts sheet of BDF because on a public record I do feel this looks good. I would be grateful if you would kindly obtain your receipts from Mike and pop them through the door at Shabby Chic so that I may take a look at them and set up a payment scheme from 15th January.

Yours sincerely

Julia

From [REDACTED]
Date 12.01.11 10.00am
To [REDACTED]
Subject: [REDACTED]

12/15/2010

Dear Mr. [REDACTED]

Hi Jo,

As discussed in October, my start up expenses for shop decorating materials, sundries, fuel, printing and initial order came to a total of \$2,000.00. All receipts and invoices are together and are with Melissa. As per your suggestion I understood your need to pay this in installments which is fine with me, we can work with \$500.00 per month. My bank details are [REDACTED]

With kind regards
Gaudino

telephone: [REDACTED]

"CBW4"



Business Banking
Please return to:
Barclays Bank PLC
Mandate Change Team
PO Box 10215
WIGSTON
LE18 1ET

Mandate Change Form

Current as from 13th Nov 2017

HELPLINE
0813 203 7477**

Business details

Business name (to the legal entity)

SPAINTRIX DISTRICT COMMUNITY FOUNDATION CIC

Type of company

Limited company, Charitable company or corporate entity

Account(s) this form is to apply to:

What do you wish to change/delete from your account?

If you provide any of the options, please enter details for one of your accounts for the future (please use the only 10 digit number of your business month).

Specify:

Account number

or

or

or

or

or

or

or

or

or

or

or

or

or

or

or

or

or

Authorised person(s) to be removed

Title

Surname

Signature

Miss

MISS CAROLINE MARGARET JANE

RURROWS-WREN

Position

Director

Authorisation of account changes

- I. The Mandate given to the Bank PLC to be changed where applicable to:
 - a. Add any individuals named in 'Add authorised person(s)' to act as an authorised person
 - b. Remove any individuals named in 'Remove authorised person(s)' so they no longer act as an authorised person
 - c. Change the signing rules in 'Change the signing rules'
 - d. Change the address/contact details in 'Change Your Address/Contact Details'
- II. Apart from these changes, the Mandate will continue to have full effect
- III. These changes are authorised acting in full capacity and with authority

Title: **Mr** Name: **BEAVER**
 Surname: **MR JOANNE CLARE**
 Position:
 Director:
 Signature:

Title: **Ms** Name: **BLAROWS-WREN**
 Surname: **CAROLINE MARGARET JANE**
 Position:
 Director:
 Signature:

For bank use only

ID's provided are acceptable documents to satisfy 'Know Your Customer' (KYC) guidelines (search 'Mandate Change' in KIT)

Customer documents are certified in accordance with guidelines (search 'Mandate Change' in KIT)

All forms completed and signed where necessary

Customer is aware we will contact them within 3 working days to confirm completion or request further information

Process moving to forward documents to Processing team (search 'Mandate Change' in KIT)

What happens next

*Please check the details are correct on your printed form and ensure the 'Authorisation of account changes' section is signed by the necessary authorisers

*Please ensure any amendments to the form are initialed by the people signing in the 'Authorisation' section. Do not use correction fluid

*Please use black ink and block capitals when completing any part of the form to be signed

*Please ensure all signatures are inside the allocated box

*Please continue to use your existing signing rules until you have confirmation to ensure all changes have been implemented

Mandates involving adding new officials:

*Please ensure all new officials have completed a Personal details form

*Return the documents to your local branch. If any officials do not currently bank with Barclays they will need to provide Identification and Verification documents in branch. If you would like more information on what documents are acceptable, please visit www.barclays.co.uk/validid

Mandates not involving adding new officials:

*Return the documents to the below address:

Mandate change team
PO BOX 10215
Wigston
LE18 5EY

** Calls may be recorded for security and training purposes. Calls to 03 numbers are charged at the same rate as calls to 01 & 02 landlines, and will count towards any inclusive minutes you may have covering calls to landline numbers. Call charges may differ, please check with your local provider. Barclays Business is a trading name of Barclays Bank PLC. Barclays Bank PLC is authorised by the Prudential Regulation Authority and regulated by the Financial Conduct Authority and the Prudential Regulation Authority (Financial Services Register No. 122702). Barclays Bank PLC subscribes to the Lending Code which is monitored and enforced by the Lending Standards Board. Further details can be found at www.lendingstandardsboard.org.uk Registered in England. Registered No. 1026167. Registered Office: 1 Churchill Place, London E14 3HP

"CBW5"



Stainton District Community Foundation
Compton House
Market Place
Rushmore GMP 11000

14th April 2018

Dear [Name],

Liability only but [Name] [Address] [Postcode] [County]

I was brought to my attention, that you have co-signed in the Community Grant Scheme jointly with one of your colleagues a contribution towards Children Intended for the Castle Headingham Village Shop. You have done this under the name of Stainton District Community Foundation plc. I have also discovered that this funding has been [Name].

I am very pleased that the Castle Headingham Village Shop is doing well, all be it through the hard work and commitment of the volunteers. However I am not at all pleased that you have applied for this funding in our joint names, putting my name first, which is an action you have never done in the past.

As you are well aware, I resigned from the Foundation in November 2017, this is very clear on Compton House for all to see.

When I made this discovery it alerted me to the bank account, to my dismay Barclays informed me that my name is still on the account, despite my signing of the Mandate on the day of 14th November 2017, which you were supposed to sign and submit within 2 days.

Barclays have recently informed me that you did indeed sign and return the Mandate, (Although not within the 2 days specified), which was subsequently returned to you in December 2017, due to an error on the document. You failed to return the signed Mandate, Therefore this left the bank closed and resulted in my name remaining on the account without my knowledge.

As a result of my conversation with Barclays, they requested I put this in writing, which I did with efficiency and immediacy. Barclays are now looking into the account as they deem the account being used "In Breach" to their policies.

They have given me a copy of the statements (which were very interesting reading), I have had to confirm that I have not authorised any of the actions taken on the account since my resignation, nor those made for Castle Headingham Village Shop as I was not party to any of the arrangements or agreements you made there. You kept me totally in the dark Joanne, Poor Business practice

I have had no choice other than to take with Business District Council regarding the application, as I do not wish to be associated with the Govt. I do not see why I should be held responsible for the funds that I know nothing about and did not apply for, nor authorise. I have raised this as a complaint as I have attempted to contact you before I raised my concerns with BDC, however Joanne, as ever you do not answer your phone. I wrote to you at Corner House, and again I received no response.

I am extremely happy to say that Mr Hunt OMO, has been very supportive towards me, he totally understands my concerns and has assured me that I will not be held responsible for the funding. He also confirmed that my actions are justified and the only option I had.

My concern is with the guidelines of the application which clearly states, "The named Applicants will be held responsible for the use of the funds awarded, and the repayment of the funds, if used inappropriately".

Joanne, I wish you no malice, however I am extremely disappointed in you for making such an application, I also object strongly to you spending money and accepting money in my name by association.

This is another clear demonstration of your poor business practice. For a business partner, someone who is supposed to lead by example as a councillor and a person who's opening line is always "I have been in business for over 20 years", clearly Jo, being in business for so long is ok very well, however being Good at it is another matter. It is a real shame you chose to negate my business skills and experience as you would not be in the situation that you now find yourself.

Without prejudice

Caroline Burrows-Watson

Comment by CBW: During my visit to Barclays Bank on Saturday 27th October I was informed that my name was removed from the account 19th June 2017 and replaced by [REDACTED] ([REDACTED] of Cllr Beavis)

ENCLOSURE 9.3

Stephen Pearson

From: Michael Watson
Sent: 22 October 2018 12:34
To: Stephen Pearson
Subject: RE: Jo Beavis

Filed: -1

Hi Stephen, I am uncertain of my position with regards to what I am able to send to you. For the time being I can confirm that I have the following: (1) an email from Caroline Burrows-Whan to Joanne Beavis dated 13/11/2017 11:58am which commences: Dear Jo it is with great sadness I am informing you of my official resignation from Braintree District Community Foundation cic effective as of today. I have today submitted the correct paperwork to companies house and the cic registrar. (2) An email from Joanne Beavis dated 17/11/2017 08:31am which commences: Dear Mike, I was disappointed about Caroline's decision to leave the foundation but I fully respect and understand all of her issues and her feeling to move on from Corner House. Both emails have content that does not relate to this issue so I feel unable to supply them in full at this time. I have given this information as I feel that Ms Beavis's stance has, by association, cast doubt over our conduct re the processing of the resignation. Regards,

ENCLOSURE 9.4

Case 1 - Bar City Journal Book COMPLAINT



1 message

14 April 2018 at 16:44

Thank you for your email which raises a number of issues which I will need to consider.

Kind regards Graham

Dear Graham,

I will re-introduce myself as you and I have met at various meetings and network events over the years, and I realize you meet hundreds of people therefore I do not expect you to remember me at all.

I reached a point where I simply found her business practices left a lot to be desired and irresponsible. Therefore I made a very wise decision and resigned after taking very valued business advice from various professionals. The advice was literally "walk away while you can". I resigned in November 2017, as you will see from the Companies House records, (link below).

Anyway my reason for writing you

I still have a (Successful) business [REDACTED] Ltd, my registered address and indeed my accountant are both at [REDACTED]. Last week upon collecting my little bundle of post for [REDACTED] Ltd I found a letter with my name on it relating to the Braintree District Community Foundation, the contents of which congratulate the successful application for the "Councillors' Community Grant Scheme". Basically Joanne has applied for this funding for the Gattle Heddingham Village Shop which belongs to the Braintree District Community Foundation Ltd. She has put my name on the application even though I have resigned.

I know why she has done this See Criteria below.

To apply for a Brentford District Council Councillors' Community Grant your organisation must be some type of formally governed 'not for profit' organisation with a written governing document (e.g. Constitution, Trust Deed, Articles of Association etc). The organisation must possess a UK bank account registered in the name of the organisation. In line with best practice it must require a minimum of two unrelated persons not living at the same address to authorise all withdrawals.

However Graham, Joanne has no authority to make an application for funding in my name, I am nothing to do with the Foundation, I was not aware of the application, I have not signed (I request confirmation as to whether the application has been signed on my behalf) an application relating to this or any other funding since November 2017. I am also quite surprised that one Councillor can award funding to another Councillor, I would have thought that would leave

I am deeply concerned about this, as I should not be held responsible for any use of this funding. If one Councillor can award funding to another, then I would request that Joanne be made to re-apply in her name only, which would not meet the criteria anyway.

I have also noted that Joanne's declaration of outside interests and BDC responsibility is outdated. She informed me in detail of the issues she has experienced at BDC, which I did not and would not request knowledge of, however she did divulge, so I listened as a colleague. Graham please do be assured I would never repeat such information, I have full respect for your privacy.

She is now Haystack Councilor, her removal from the Cabinet, the Museum responsibility etc all need to be updated.

I am a respectful member of our community, I have served Brainerd well for over 20 years in my work, I have a good reputation for community work which I will not have tarnished. The worst thing I could have done was to trust Joanne and enter into a business with her.

Graham, if you need any more information from me please do not hesitate to contact me. I am an open book and have nothing to hide, I simply like honesty and all of this has caused me much distress and worry. I would like a response from you, I do want to know if the application was signed on my behalf or if my signature was copied, I do want complete assurance that I will not be held responsible for Joanne's application for this funding or any other. I cannot relate with Joanne directly as she never answers her phone or replies to emails from me.

Thank you for taking time to read this email, I do think it is in your interest and mine and the reputation of BDC to address this issue and other that I have raised. I am all to aware of how quickly people are to react negatively to BDC and all Council for that matter, I would not dream of sharing this information in the public domain, but I am not responsible for anyone else's actions that might see the contents of my message to you.

I look forward to hearing from you as soon as possible to put my mind at rest.

**With kindest regards
and respect**

Caroline Burrows-Whit
Mobile

Think before you print

This email and any attachments, replies and forwarded copies are in confidence and are strictly for the use of named recipient(s) only. If you are not the intended named recipient, please contact the sender and delete the email from your system and you are prohibited from distributing, copying, making use of or unlawful use of any information without first asking the express permission of the sender.

Internet email may be susceptible to data corruption, interception and unauthorized amendment for which Business District Council will not accept any liability. We strongly advise you not to email any information that would be likely to cause you distress if it were to be seen by others. If you have an enquiry of this nature please provide a postal address to allow us to communicate with you in a more secure way.

Any opinions or views expressed are not necessarily those of Braintree District Council and do not form any kind of contract.

All communications sent to or from the Council may be subject to recording and/or monitoring in accordance with relevant legislation.

Our ref: IH
Your ref:
Ask for: Ian Hunt
Email: Ian.Hunt@Braintree.gov.uk
Dial: 01376 552525
Extension: 2629
Date: 26th April 2018

Councillor Mrs J Beavis
Easter Cottage
Park Hall Road
Gosfield
Essex
CO9 1SQ

By Post and Email:
cllr.jbeavis@braintree.gov.uk

Dear Councillor Mrs Beavis

Councillor Community Grants Application – Braintree District Community Foundation CIC

I write to you in both your capacity as a Councillor, but also as a Director of the Braintree District Community Foundation.

On the 27th March the Council received from you an application for a grant in relation to the Castle Hedingham Village Shop. This grant was accompanied by an application form, a copy of which is attached.

Subsequent to this being processed questions have been raised as to the accuracy of the statements made by you on behalf of the Foundation in making this application.

This letter is a preliminary enquiry to establish further information and to assess whether further investigation or formal steps are required, either in relation to the grant, or the Member Code of Conduct.

I have been referred to the Companies House records for the company, which shows that on the 13th November 2017 Caroline Burrows-Wren ceased to be a Director of the Company, and that the sole remaining Director is yourself.

The application form states that Caroline Burrows-Wren is a main contact alongside yourself. Please can you confirm the basis for this, given that she has resigned as a Director.

With respect to the second page you have confirmed that the Bank account requires a minimum of two people to authorise all transactions. Please can you confirm this is the case, and confirm who the relevant parties are.

I would appreciate it if you could also bring to my attention any further information which you consider to be relevant in this matter in order to assist the Council in

 **Braintree**
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Causeway House
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Essex CM7 9HB
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considering the validity of the application in respect of the Council's scheme provisions.

As you can appreciate I would like to resolve this matter reasonably swiftly and accordingly would ask for an initial response no later than Thursday 10th May 2018.

If you have any queries please do not hesitate to contact me.

Yours sincerely

A black rectangular box used to redact the signature of Ian Hunt.

**Ian Hunt
Head of Governance**

Original message----

12/05/2018 - 15:38 (GMTDT)

hu@braintree.gov.uk

Councillor Grant Scheme.

Hi,

||

Following my email to you yesterday afternoon I have since made contact with Companies House. Companies House has verbally informed me that

Caroline has withdrawn her name from the Braintree District Foundation Community Interest Company so as to receive a formal communication

Companies House to confirm this albeit they have confirmed that this update is now in force via the Companies House website.

We will continue to receive a monthly payment from the Braintree District Foundation for 2018 and we will continue to operate the bank account

Caroline's name until such a time as Barclays Bank are also satisfied, through formal notification, that Caroline is no longer a Director. My understanding is that Caroline is

[REDACTED] and I have not applied pressure to make changes at the Braintree District Foundation. I had thought that

[REDACTED] during this year but your communication to me, I believe, indicates that I will have to make some internal structural changes to the

Braintree District Foundation later in the year.

Regards.

Our ref: IH
Your ref:
Ask for: Ian Hunt
Email: Ian.Hunt@Braintree.gov.uk
Dial: 01376 552525
Extension: 2629
Date: 8th June 2018

Councillor Mrs J Beavis
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By Email: cllr.beavis@braintree.gov.uk

Dear Councillor Beavis

**Councillor Community Grants Application –Braintree Community Foundation
CIC
Member Code of Conduct**

I write further to previous correspondence in this matter and thank you for your detailed email of this morning with comments on the note of the meeting, these have been taken into account.

This letter is written to you in your capacity as a Councillor of Braintree District Council, with reference to the Member Code of Conduct.

Having undertaken a preliminary review of the Councillor Community Grant application there are a number of issues which lead to questions under the Code of Conduct. The purpose of this letter is to seek your initial comments on the issues and conclusions, this will then enable me to assess whether this is a matter which warrants a formal investigation, and or if alternative resolution is appropriate.

The Braintree Community Foundation CIC (BCF) submitted an application under the Councillor Community Grants scheme dated the 25th March 2018. Of direct relevance the application form contained the following key elements:

- In response to the question *"Please provide details of the main contact at the organisation"* the names *"Caroline Burrows Wren & Joanne Beavis"* were given, the position held was given as *"Director"*.
- With respect to the bank account in response to the question *"I confirm that a minimum of two people must sign to authorise all transactions (including cheques and online transactions)"* this was confirmed positively.
- A declaration was made at the conclusion of the first part of the form by yourself as Director in the form: *"I am authorised and eligible to sign and approve this application on behalf of the organisation and declare the information in this application is true and accurate. ... I certify that all the particulars given in this form are correct and that any grant money received from Braintree District Council will be used for purposes stated in this form."*

The Council reserves the right to reclaim any grant not used for the purposes stated in the form."

You then determined to grant fund monies as a Councillor.

Recognising that the action of approving the grant was undertaken in your capacity as a Councillor; given that you are also the Director who signed the application on behalf of BCF, any failing in the truth and or accuracy of the information submitted by the organisation, has relevance to your decision to approve the grant as a Councillor.

In respect of the Code of Conduct the relevant sections I am considering are:

- 7.1. You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;***
- 7.2. You must when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements and ensure that such resources are not used improperly for political purposes (including party political purposes);***

It is acknowledged that the application for grant was also made to Councillor H Johnson by the BCF and approved separately by him. There is however a material difference in my view at this time in that he did not also have the knowledge which is held by you as Director.

Status of Caroline Burrows Wren as Director:

The basic chronology of the documentation available sets out the following core chronology.

On the 13th November 2017 Caroline Burrows Wren issued her resignation by way of letter to yourself, the Company Accountant and the company President Brooks Newmark. There was also a separate email to yourself. On the same day Caroline Burrows Wren contacted Companies House and removed her name as a Director. This was registered by Companies House on the same day.

The resignation and confirmation of this by Companies House was acknowledged by the Company Accountant (Michael Watson of Watson Associates) on the 13th November.

The resignation covering email to Jo Beavis of the 13th November 2017 11:57 confirmed the resignation was effective of the same day using the phrase ***"It is with great sadness I am informing you of my official resignation from Braintree District Community Foundation CIC effective as of today. I have today submitted the correct paperwork to companies house and the cic registrar."***, she had also contacted the bank to make this effective. The email contained the following section ***"There will be things to address over the coming weeks. Jo I wish you well. You are a friend we just have very different ideas in business and I have no malice or prejudice against you. I will continue to support you in any way possible. You only need to ask."***

The email was acknowledged by yourself at 08:28 on the 14th November 2017. Within this you acknowledged receipt of the resignation and asked ***"It would be helpful to understand also if your decision may be recoverable in some way. i.e.***

Maintaining the website if I send you photos and news updates and perhaps putting the annual report on." However, you acknowledged that Caroline Burrows Wren had put the practices of her decision in place.

The record of company directors at Companies House shows that Caroline Burrows Wren resigned on the 13th November. The Articles of the BCF state at section 25 "A person ceases to be a Director as soon as... (e) notification is received by the Company from the Director that the Director is resigning from office, and such resignation has taken effect in accordance with its terms".

It does not appear that the Company has any provision which prevents a Director resignation, nor that resignation being effective until such time as other factors are resolved.

It therefore appears that as of the 13th November 2017 Caroline Burrows Wren resigned as a Director, and that by no later than the 14th November 2017 you were aware of this fact. The Company was aware by virtue of the confirmation by the Accountant on the 13th November. Whilst there were outstanding issues to resolve in relation to the changing of the signatories on the bank account and the winding up of various interrelations between the business and Caroline Burrows Wren.

I note from your correspondence that you have referred to the fact that the [REDACTED] CIC is named at Article 3 as the asset locked body is of direct relevance. Whilst Caroline Burrows Wren is the sole Director of this body, the asset lock company has very limited legal interests in the company, and can be changed. It certainly does not afford any individual a right / obligation to be a Director.

Those residual elements do not appear to change the legal fact that as of the 13th November 2017 Caroline Burrows Wren was not a Director. It therefore appears that at the time the declaration was signed for the grant application on the 25th March 2017 to refer to her as a Director was a false statement.

Bank Account:

The second material statement in the application related to the bank account. From the information available the account had two signatories yourself and Caroline Burrows Wren. Notwithstanding her resignation on the 13th November 2017 and request to be removed this remains the case, certainly on the 25th March 2018.

The operation of the account is reported to be that either yourself or Caroline Burrows Wren can authorise any payment, either by way of cheque, card payment or online payment. There is no limit or de minimis figure on these transactions. Both parties are required to sign for certain changes to the account such as the changing of signatories.

The evidence of both yourself and Caroline Burrows Wren is that she has not had any direct involvement in the authorising of payments since the 13th November 2017.

The grant scheme declaration is that all transactions must be authorised by two signatories. The arrangements set out for the BCF do not appear to meet this as a single signatory can authorise payment in relation to any given transaction.

Accordingly, it appears that there is a false statement in relation to the management of the organisations bank account.

Summary:

It appears on the evidence to date that there are two material false statements within the grant application which was submitted by BCF for consideration by yourself (in your capacity as Councillor) and Councillor H Johnson.

In respect of yourself you appear to have had the knowledge as both a Director and Councillor to be able to establish that this was the case. It therefore appears that you either reckless as to the declarations made or made deliberate false statements.

With respect to the BCF the Council reserves all rights under the grant, however is not pursuing this at the present time pending a determination of these enquiries.

In previous correspondence and discussions, I have focused on the relationship between the BCF and the Council, I have not previously considered the Councillor Code of Conduct. At this juncture it has become clear that to not consider this element would be remiss. In respect of the Councillors Code of Conduct I would ask that you consider the implications of the above, and I would appreciate your initial comments on this from the perspective of the Code of Conduct.

I am considering whether there is sufficient evidence of a breach of the Code of Conduct to warrant a formal investigation, your comments will be used to inform this consideration. In line with the Councils established procedures I would ask that you respond within 14 days (23rd June 2018). I reserve the right to make a decision as to whether or not to refer the matter for full investigation after that point even if I have not had a further response from you.

Within this process I will give consideration as to whether there is an informal resolution available and would welcome your comments in relation to this.

Please be assured that should I determine that the matter warrants formal investigation you would have a full opportunity to participate in that investigation and make appropriate representations, as well as raising all factors you consider material.

I am copying this letter to your group leader Councillor Butland, given that this is a matter where there has already been press involvement, although I will not be making any proactive comment in relation to the enquiries to the press.

I look forward to hearing from you and would welcome any representations that you may wish to make as outlined above.

Yours sincerely



Ian Hunt
Head of Governance and Monitoring Officer

Cc Councillor G Butland

Holmes & Hills LLP Solicitors
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Holmes & Hills LLP

also at

Braintree, Halstead
Tiptree and Coggeshall

Private and Confidential

By Email Only: Ian.Hunt@braintree.gov.uk

Your ref 1H

Our ref SCB/BEAVIS 203602.0010

Date 29 June 2018

Dear Mr Hunt

Our Client: Cllr Joanna Beavis

**Councillor Community Grants Application – Braintree District Community Foundation CIC
Member Code of Conduct**

This firm acts for Councillor Joanna Beavis. We have been instructed to write this letter in response to your letter to our client dated 8 June 2018.

We note from your letter that you are considering whether statements made by our client (in her capacity as a director of the Braintree District Community Foundation CIC ("the CIC") and within an application made by the CIC, on 25 March 2018, for funding under the Councillors' Community Grants Scheme), amount to a breach of the Braintree District Council Members Code of Conduct ("the Code").

Specifically, you are considering whether our client having signed the application form to confirm the truth of various representations contained within the application form, were breaches of sections 7.1 and or 7.2 of the Code.

Those representations were that:

1. Caroline Burrows-Wren was a director of the CIC; and
2. That, in respect of the CIC's bank account, a minimum of two people must sign to authorise all transactions (including cheques and online transactions).

You set out, within your letter, a chronology of relevant events plus a description of material facts in relation to the above representations. You then indicate that it appears to you from those events and facts, that the above representations were false.

We note your letter invites our client to comment on your initial conclusions, so as to enable you to decide whether this matter warrants a formal investigation. The purpose of this letter is to therefore set out our client's position.

Sections 7.1 and 7.2 of the Code

We shall start by examining the relevant sections of the Code.

Section 7.1

Section 7.1 prohibits the use or attempted use of a member's position *"...improperly to confer on or secure for [them]self or any other person, an advantage or disadvantage."*

We consider the material term in that section to be the word "improperly." In other words, it is permissible for a member to use his or her position "properly" to confer or secure an advantage or disadvantage.

We submit that in this context the term "improper" should be given its ordinary meaning (i.e. suggesting some deficiency of honesty or common moral standards).

For the reasons we will set out below, there was no lack of honesty or morality on the part of our client, when she signed to indicate that the representations contained within the said application form were true; it was her honest and genuine belief that those representations were true.

Section 7.2

Section 7.2 requires members, when using or authorising the use by others of the resources of the Authority, to *"...act in accordance with the Authority's reasonable requirements"* and to *"...ensure that such resources are not used improperly for political purposes (including party political purposes)."*

You do not identify within your letter any *"reasonable requirement"* of the Authority, which our client is said to have failed to act in accordance with. If that was an accidental omission then we reasonably request that our client is given further opportunity to comment on that in the event that further clarification is provided by you.

Likewise, you do not set out any details of how any political purposes are said to have been furthered by our client signing the application form to state that the representations contained therein were true.

The outcome of the CIC's application was that it received funding to buy a new fridge and freezer for a community shop. It is difficult to see how that equates to furthering any political purpose.

In any event, we note that, like section 7.1, section 7.2 also includes the word "improperly". Again, this indicates that political purposes can be furthered by a members use of the Authority's resources, provided it is done "properly". We return to our previous interpretation of the word "improper" and, again, for the reasons that will follow, submit that there was no lack of honesty or morality when our client signed the application form on behalf of the CIC.

Notwithstanding the above, we again reasonably request an opportunity to respond further on the issue of furthering any political purpose(s) if and when further particulars of such an allegation are provided.

Status of Caroline Burrows-Wren as a Director

It is acknowledged that Caroline Burrows-Wren ("CB-W") sent an email to our client on 13 November 2017 indicating that she was resigning with immediate effect, and that our client replied the following day accepting that resignation.

However, it should also be noted that our client enquired within her email of 14 November 2017, whether CB-W's decision "...may be recoverable in any way." This is because CB-W had a habit of stating that she was resigning, but then withdrawing her resignation.

It was our client's understanding at the time that, if she was to be left as the sole director of the CIC, it would fall upon her to inform Companies House of CB-W's resignation. It was for that reason that she stated in her email of 14 November 2017 that "I will contact Companies House." Our client's honest belief was that, as a non-director, CB-W would not be able to file documents with Companies House on behalf of the CIC.

After the exchange of emails on 13/14 November 2017, our client had a series of conversations with CB-W, and left messages on her telephone, in relation to CB-W's proposed resignation as a director. Our client was seeking to establish whether or not CB-W was in fact serious about resigning.

It is important to note that our client instructs us that during the weeks leading up to Christmas 2017, CB-W was still going in to the CIC's Braintree shop, meeting with suppliers and resolving stock issues.

Nevertheless, in view of CB-W's email of 13 November 2017, and believing that she (our client) would need to be the one to inform Companies House, our client repeatedly requested that, if CB-W still wished to resign, she formally notified the CIC of her resignation on the company's headed paper. Our client believed that this was necessary in order for her (our client) to then notify Companies House.

Such letter was never received. However, on 15 November 2017 CB-W had sent the enclosed text message to our client referring [REDACTED]

[REDACTED] It was for that reason that our client had not pushed the issue of her formal resignation particularly hard and/or sought to arrange a formal handover process. In view of CB-W's [REDACTED] [REDACTED] our client had allowed her a degree of time and space to settle herself before formalising anything.

Our client did eventually receive an undated letter in January 2018 (which letter was stamped as being "...a duplicate because it seems Joanne did not receive the original via Royal Mail." That letter indicated that CB-W was willing to continue to support the CIC but "...would appreciate a month or so breathing space," before receiving any further contact from our client. Our client therefore still considered CB-W's resignation to be uncertain. Accordingly, she did not contact Companies House at that time to notify them of the resignation, on the assumption that this was just another example of CB-W indicating an intention to resign but then withdrawing it. Our client respected CB-W's request for some "breathing space" but expected that in due course they would speak and CB-W would rethink her decision.

It was in that context that our client refrained from contacting Companies House in relation to CB-W's proposed resignation.

We are instructed that throughout the above period our client was, and still is, making payments to CB-W in respect of her role as a director of the CIC. At the time our client signed the application form requesting funding under the Councillors' Community Grants Scheme, she was under the impression that:

1. there were to be further discussions with CB-W before her resignation was finalised; and
2. in the event that her resignation was finalised, CB-W could not, by herself, update the company register (our client's belief was that she would have to arrange that).

Accordingly, it was our client's honest belief that CB-W remained a director of the CIC as at 25 March 2018. As such there was no dishonesty and or lack of morality (i.e. nothing "improper") about our client signing the statement of truth on the application form that day. For that reason, we submit that there is no actual breach of either section 7.1 or section 7.2 of the Code.

Bank Account

We are instructed that CB-W remains a signatory on the CIC's bank account. Our client is seeking to have this matter resolved. However, we understand that it is a somewhat slow and convoluted administrative task at the bank.

Until recently and certainly on 25 March 2018, it was our client's honest belief that payments from the CIC's bank account needed to be authorised by two signatories. Prior to that, the CIC had made very few payments because it was a relatively new business. We are instructed that most payments were made in cash, apart from around 10 payments that had been made by cheque, in respect of which both our client and CB-W had signed each cheque.

Further, it should be noted that this appears to have been a view also held by CB-W. This is evidenced by the enclosed text message sent by CB-W to our client on 14 November 2017. We are instructed that on or around that date, CB-W had delivered a hand-written note to our client referring to the bank account being closed within 24 hours as a consequence of her resignation and there no longer being two signatories. Our client says that she panicked when she received that note and immediately contacted CB-W by telephone to say that she could not do that because the business still needed to run and that it was irresponsible of CB-W to take that course of action. Our client expressed her concern that cheques would not clear if CB-W took her name off the bank account. The enclosed text message was sent to our client on 14 November 2017 in response to that telephone call. CB-W states that she *"...also thought it was a strange policy,"* and that she *"...had the same concerns."* We are instructed that this was a reference to the bank's policy of requiring two signatories in respect of all payments. CB-W goes on to attempt to reassure our client that in fact the account would not be frozen.

Our client subsequently attended the bank to find out what the situation was and to appraise them of the uncertainty around CB-W's future as a director of the CIC. Our client completed a form for the bank explaining the situation and also left CB-W hand-written note with them. It was explained to our client by an employee of the bank that there were two different arrangements for authorising payments, simple (requiring only one signatory) and complex (requiring two). She was advised that the CIC had complex signing arrangements. Our client was advised that it would be temporarily permissible for her to sign cheques by herself, provided that CB-W's name remained on the account and subject to ongoing monitoring by the bank. Therefore, although a temporary waiver of the requirement for two signatories was agreed by the bank, it appeared to our client to be the case that strict compliance with the bank's requirements meant having two people authorise all payments. That is the basis on which she made that representation on the application for funding.

It was not until approximately two weeks ago, whilst our client was, in view of the current situation, seeking to have CB-W's name removed from the bank's account, that she was advised by another employee of the bank that in fact payments from the CIC's bank account could be authorised by a single signatory.

Therefore, again, to summarise, it was our client's honest and genuine belief when she signed the application form on 25 March 2018 that, strict compliance with the bank's terms required two signatories to authorise all payments made from the CIC's bank account. As such, there was no lack of honesty or morality (nothing "improper") about her signing the statement of truth. Again, it is therefore submitted that there has been no breach of section 7.1 or 7.2 of the Code.

Moving Forward

There has been confusion as to CB-W's status as a director and the bank's requirements for authorising payments, but our client has acted in good faith when trying to explain, in the CIC's application for funding, the situation as she understood it at the relevant time.

There has been nothing improper (meaning deceitful or immoral) about the way our client has conducted herself and she has not achieved any political gain as a consequence. The funding obtained by the CIC has been used properly for its intended purpose, namely the purchase of two fridges and a freezer for the Castle Hedingham community shop. We urge you to look at the effect of the representations made in the CIC's application for funding and to bear those in mind when considering this matter. It is respectfully submitted that there has been no benefit (or detriment) conferred on anyone which is unfair or unreasonable.

Notwithstanding all of the above, our client recognizes that, although she has acted with honesty and integrity at all times, it was reasonable for the Council to query these issues. Nevertheless, she hopes that this draws this matter to a conclusion and is mindful of the lessons to be learned from this matter.

We therefore invite you to confirm that you will now treat this matter as having been resolved informally.

Yours faithfully

Holmes & Mills LLP

[Redacted signature block]

Jo Please don't worry. I also thought it was a strange policy and I had the same concerns as you Jo. I am aware that things need to be paid. I'm not inconsiderate. I spoke to Barclays. Basically they only Freeze if animosity between partners has been indicated and a risk of unauthorised overdraft. I have assured them that this is not the case between us. We are friendly. Don't panic I wouldn't do that to you. You should know that by now. Everything will be fine. I've sent you this message via email and WhatsApp as I don't want you missing it. Jo the bank account is fine. Cheques will clear. The bank merely need you to acknowledge my request. X

From: [Hunt, Ian](#)
To: ["Samuel Bawden"](#)
Cc: clr.jbeavis@braintree.gov.uk
Subject: RE: Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010
Date: 11 July 2018 21:07:00

Dear Sam

I write further to your letter of the 29th June, and I thank you for the detailed response.

With respect to paragraph 7.2 of the Code, your comments are noted and I do not intend to take this element any further.

I note (amongst other commentary which is also noted) that you have argued that there has been no breach of the Code of Conduct given that there has been no element of improper activity, on the basis that there was no deficiency of honesty or common moral standards.

Whilst accepting that the code does not contain a direct definition of improper, guidance can be gleaned from the practice and procedure applied under the former statutory framework. The Standards for England guidance on the parallel section of the Code stated "The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that members are elected or appointed to public office to serve the public interest. A member's conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a member's public position to promote private interests over the public interest will be improper."

It should be noted that this has a number of parallels with the provisions of the Code in respect of the declaration of interests. Where the test of whether a member of the Public with relevant knowledge of the facts would consider that the interest is sufficient that the Member would reasonably be regarded as having their ability to judge the public interest as being impaired.

In this case the linkage between the action of Councillor Mrs Beavis and the Community Foundation could be seen to be sufficient that the Public perception that a deficiency in the accuracy of the statements would be sufficient to be seen as improper. Notwithstanding the fact that by this definition the giving of a grant to an organisation over which she has such control and influence could be argued as improper.

There are within the documents a number of indicators which both support and oppose the narrative given. I give by way of one example, comments with respect to the bank account. The narrative supplied in your letter was not the same as that within my conversation with Councillor Mrs Beavis of the 25th May, although there are similarities. However there are material differences. Within the conversation Councillor Mrs Beavis confirmed that each director had their own debit card which allowed for individual action to make payments or withdrawals from the accounts. This was within her knowledge and would of allowed her to reflect on the statement being given.

I am of the view that within the factual background there are a range of issues which need further clarification in order to resolve outstanding points. In addition there are arguments in

respect of the formal standard and definition in respect of the Code which should apply.

In this circumstance I am of the view that the appropriate next step is to refer this matter to an independent investigation under the Code of Conduct.

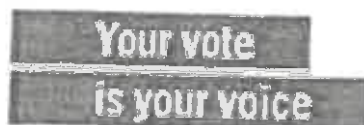
This is not an action which determines the outcome of this matter. The investigation will review the available information and gather further information as to both fact and consider the detail of the Code of Conduct and its applicability to the facts. Within the process there will be an opportunity for both yourself and Councillor Mrs Beavis to adduce further information and to comment in detail on any draft report.

I am in the process of commissioning this work and will be in contact separately to confirm the details of this. However I considered that you and your client would appreciate an update in the interim.

If you have any further queries please feel free to contact me.

Yours
Ian

Ian Hunt
Head of Governance
Braintree District Council | Causeway House, Booking End, Braintree, CM7 9HB
☎ 01376 652525 Ext. 2629 | www.braintree.gov.uk | ✉ ian.hunt@braintree.gov.uk



From: Samuel Bawden [REDACTED]
Sent: 29 June 2018 11:44 PM
To: Hunt, Ian
Cc: [REDACTED]
Subject: Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010

Dear Ian

Please see attached.

Regards

Samuel Bawden
Partner
Civil Litigation Team

[REDACTED]

Holmes & Hillis LLP
98 North Street, Sudbury, Suffolk, CO10 1RF

Tel: 01787 275275

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Tel 01787 275275 Fax 01376 344156 DX NODX
Email: [REDACTED]

Holmes & Hills LLP

also at
Braintree, Halstead
Tiptree and Coggeshall

Private and Confidential

By Email Only: Ian.Hunt@braintree.gov.uk

Your ref: IH
Our ref: SCB/BEAVIS 203602.0010
Date: 16 July 2018

Dear Mr Hunt

Our Client: Cllr Joanne Beavis

**Councillor Community Grants Application - Braintree District Community Foundation CIC
Member Code of Conduct**

We write further to your email of 11 July 2018.

We note your decision to refer this matter for independent investigation. Our client has asked us to seek clarification from you as to the following:

1. Likely timescale and process for that investigation;
2. What constitutes an "independent" inquiry and how the tribunal is selected; and
3. Details of the likely outcome (in terms of possible sanctions, penalties, etc that might be imposed) if a breach of the Code is found.

You previously mentioned the possibility of "informal resolution". We also invite further clarification as to what you envisage in that respect in order that we can discuss this with our client.

Finally, in respect of numbered point 2 above, please note that we are instructed in respect of a dispute between our client and Cllr Graham Butland. As such, our client has concerns about his independence when it comes to any inquiry. Our client has asked what plans you are putting in place in respect of possible conflicts of interest such as this.

We look forward to hearing from you.

Yours faithfully

Holmes & Hills LLP

Lexcel
Lexcel
Law Society Approved

**INVESTORS
IN PEOPLE**



From: Hunt, Jan
To: "Samuel Beavis"
Subject: RE: RE: Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010
Date: 08 August 2018 16:54:00

Dear Sam

Thank you for your time on Monday and the opportunity to speak before responding. Picking up on the points you raise in your letter:

I am in the process of seeking quotes for an independent person to undertake an investigation, once appointed it will be for them to direct the investigation in many respects although I will be setting parameters. The appointment of the investigator is a matter for me, usually I would either use internal staff or a reciprocation arrangement with another local authority. That said I am mindful of the history you allude to in your letter and to ensure absolute independence I am seeking an appointment outside the direct local authority employment setting. There are a number of solicitors firms nationally who do this work and it will be one of these who will be appointed.

The investigation will need to resolve the factual background, this will necessitate gaining information from both Caroline Burrows-Wren and Councillor Mrs Beavis. I anticipate that this will be principally in interview format, but it may also include written exchanges. Once the factual background is clearer, then the investigator will prepare their report summarising the evidence, and where relevant concluding what they believe to be the appropriate conclusion on points of dispute. Equally they will make a determination as to whether there is a breach of the Code of Conduct.

The investigator will circulate to you / Councillor Beavis the draft report for comment prior to its conclusion. You will be able to input on any element of the report although it is the investigator who finally determines the conclusions of the report.

If the investigator concludes that there is no breach of the Code of Conduct then this will be the final conclusion in relation to the Code of Conduct. If they conclude that there has been a breach then this is referred to the Council's Standards Sub-Committee, this would result in a hearing where the investigator would put forward their report and conclusions and Councillor Beavis would be entitled to set out her response to the investigation. Depending on circumstances this hearing can include witnesses as to facts; if that is needed then there is an opportunity for questions to be put by all parties.

It is the committee who if relevant will finally determine if there has been a breach, and if there has been a breach consider sanctions. They have the ability to pass no additional sanction beyond their findings (which will be a public record), alternatively they can require the findings / any censure to be reported to Council, or published in a local paper. Other sanctions, can be requirements for training, recommendations to a Members group leader that they are removed from committee or outside appointments by the Council. In this case there could be a recommendation that the ability of Councillor Mrs Beavis to make grants is either removed or restricted / subject to approval. Formally the committee cannot determine any action in relation to action under the existing grant, but they may make recommendations to officers in this situation having looked at the facts.

In terms of timetable, I would expect that the investigation would take 2/3 months and a hearing would be a month or so after the end of that. That said I am mindful that we are in the summer period and therefore availability of people will be a factor in setting a timetable so these timescales potentially will extend. Within this the speed at which you, and or Councillor Mrs Beavis are able to respond to questions and or reports will become another factor in setting this timetable. I would however expect a resolution to the process this autumn.

I note your comments regarding Councillor Butland. In terms of the process he has very limited influence, or control, and as such I do not foresee that there is a significant risk. He will in all likelihood have no contact with the investigator, save if he becomes a relevant witness as to fact. As with all committees the Membership of the committee was set at the AGM and Members would have to declare interests in the usual way if it becomes relevant.

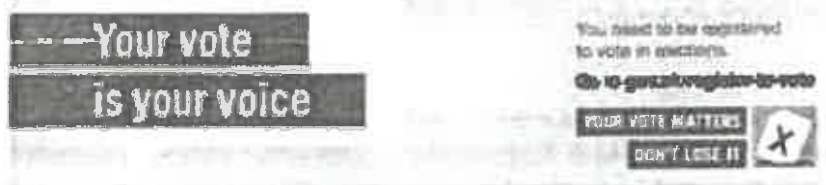
Clearly if there is a recommendation to the group leader in terms of sanction this will be considered by Councillor Butland, however that will be a matter for the group rather than the Council at that point. Equally once a finding has been reached the political group is free to take action under their own rules but that is not a matter for officers to comment on.

As discussed I appreciate that this is a case where there are business issues for the company to resolve. Given that Councillor Mrs Beavis is in effect the sole controlling mind of the company now its actions, and those of you as her solicitor may be seen as being her actions. I would draw your and her attention to section 5.3.3 of the code of conduct which requires Members not to attempt to intimidate complainants or witnesses. As discussed this is not intended to restrict or stop Councillor Mrs Beavis, you or the company pursuing legitimate steps to protect the interests of the Company, however you may wish to reflect on the way action may be perceived and act accordingly.

If you have any further questions please let me know.

Yours
Ian

Ian Hunt
Head of Governance
Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB
☎ 01376 652525 Ext. 2629 | www.braintree.gov.uk | ✉ ian.hunt@braintree.gov.uk



From: Samuel Bowden [mailto:samuel.bowden@braintree.gov.uk]
Sent: 16 July 2018 6:22 PM
To: Hunt, Ian
Cc: [mailto:ian.hunt@braintree.gov.uk]
Subject: RE: RE: Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010

Dear Ian

Please see attached.

Regards

Samuel Bawden
Partner
Civil Litigation Team

Holmes & Hills LLP
95 North Street, Sudbury, Suffolk, CO10 1RF

Tel: 01787 275275

Fax: 01878 342166

Email:

www.Holmes & Hills

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From: Hunt, Ian [mailto:ian.hunt@braintree.gov.uk]

Sent: 11 July 2018 21:07

To: Samuel Bawden

Cc: Cllr.JBeavis@braintree.gov.uk

Subject: RE: Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010

Dear Sam

I write further to your letter of the 29th June, and I thank you for the detailed response.

With respect to paragraph 7.2 of the Code, your comments are noted and I do not intend to take this element any further.

I note (amongst other commentary which is also noted) that you have argued that there has been no breach of the Code of Conduct given that there has been no element of improper activity, on the basis that there was no deficiency of honesty or common moral standards.

Whilst accepting that the code does not contain a direct definition of Improper, guidance can be gleaned from the practice and procedure applied under the former statutory framework. The Standards for England guidance on the parallel section of the Code stated "The term 'improperly' is not defined in the Code of Conduct. This ensures that the scope of the provision is not unnecessarily limited. The underlying principle is that members are elected or appointed to public office to serve the public interest. A member's conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a member's public position to promote private interests over the public interest will be improper."

It should be noted that this has a number of parallels with the provisions of the Code in respect of the declaration of interests. Where the test of whether a member of the Public with relevant knowledge of the facts would consider that the interest is sufficient that the Member would reasonably be regarded as having their ability to judge the public interest as being impaired.

In this case the linkage between the action of Councillor Mrs Beavis and the Community Foundation could be seen to be sufficient that the Public perception that a deficiency in the accuracy of the statements would be sufficient to be seen as improper. Notwithstanding the fact that by this definition the giving of a grant to an organisation over which she has such control and influence could be argued as improper.

There are within the documents a number of indicators which both support and oppose the narrative given. I give by way of one example, comments with respect to the bank account. The narrative supplied in your letter was not the same as that within my conversation with Councillor Mrs Beavis of the 25th May, although there are similarities. However there are material differences. Within the conversation Councillor Mrs Beavis confirmed that each director had their own debit card which allowed for individual action to make payments or withdrawals from the accounts. This was within her knowledge and would of allowed her to reflect on the statement being given.

I am of the view that within the factual background there are a range of issues which need further clarification in order to resolve outstanding points. In addition there are arguments in respect of the formal standard and definition in respect of the Code which should apply.

In this circumstance I am of the view that the appropriate next step is to refer this matter to an Independent Investigation under the Code of Conduct.

This is not an action which determines the outcome of this matter. The investigation will review the available information and gather further information as to both fact and consider the detail of the Code of Conduct and its applicability to the facts. Within the process there will be an opportunity for both yourself and Councillor Mrs Beavis to adduce further information and to comment in detail on any draft report.

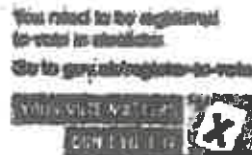
I am in the process of commissioning this work and will be in contact separately to confirm the details of this. However I considered that you and your client would appreciate an update in the interim.

If you have any further queries please feel free to contact me.

Yours
Ian

Ian Hunt
Head of Governance
Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB
☎ 01376 552525 Ext. 2629 | www.braintree.gov.uk | ✉ ian.hunt@braintree.gov.uk

**Your vote
is your voice**



From: Samuel Bawden [REDACTED]
Sent: 29 June 2018 11:44 PM
To: Hunt, Ian
Cc: [REDACTED]
Subject: Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010

Dear Ian

Please see attached.

Regards

Samuel Bawden
Partner
Civil Litigation Team
[REDACTED]

Holmes & Hills LLP
98 North Street, Sudbury, Suffolk, CO10 1RF

Tel: 01787 275275

Fax: 01376 342166

Email: [REDACTED]

[www:Holmes & Hills](http://www.Holmes&Hills)

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REGISTERED NUMBER: 09889242 (England and Wales)

UNAUDITED FINANCIAL STATEMENTS
FOR THE YEAR ENDED 30 NOVEMBER 2017
FOR
BRAINTREE DISTRICT COMMUNITY FOUNDATION
CIC

FRIDAY



A08 *A7DHYAE2* #80
31/08/2018
COMPANIES HOUSE

**BRAINTREE DISTRICT COMMUNITY FOUNDATION
CIC (REGISTERED NUMBER: 09889242)**

**BALANCE SHEET
30 NOVEMBER 2017**

	2017 £	2016 £
CURRENT ASSETS	5,722	5,282
CREDITORS		
Amounts falling due within one year	(2,493)	(5,398)
NET CURRENT ASSETS/(LIABILITIES)	<u>3,229</u>	<u>(116)</u>
TOTAL ASSETS LESS CURRENT LIABILITIES	<u>3,229</u>	<u>(116)</u>
RESERVES	<u>3,229</u>	<u>(116)</u>

NOTE TO THE FINANCIAL STATEMENTS

1. STATUTORY INFORMATION

Braintree District Community Foundation CIC is a private company, limited by guarantee, registered in England and Wales. The company's registered number and registered office address are as below:

Registered number: 09889242

Registered office: Corner House
Market Place
Braintree
Essex
CM7 3HQ

The company is entitled to exemption from audit under Section 477 of the Companies Act 2006 for the year ended 30 November 2017.

The members have not required the company to obtain an audit of its financial statements for the year ended 30 November 2017 in accordance with Section 476 of the Companies Act 2006.

The director acknowledges her responsibilities for:

- (a) ensuring that the company keeps accounting records which comply with Sections 386 and 387 of the Companies Act 2006 and
- (b) preparing financial statements which give a true and fair view of the state of affairs of the company as at the end of each financial year and of its surplus or deficit for each financial year in accordance with the requirements of Sections 394 and 395 and which otherwise comply with the requirements of the Companies Act 2006 relating to financial statements, so far as applicable to the company.

**BRAINTREE DISTRICT COMMUNITY FOUNDATION
CIC (REGISTERED NUMBER: 09089242)**

**BALANCE SHEET - continued
30 NOVEMBER 2017**

The financial statements have been prepared in accordance with the micro-entity provisions and delivered in accordance with the provisions of Part 15 of the Companies Act 2006 relating to small companies.

The financial statements were approved by the director on 28 August 2018 and were signed by:



Mrs J C Beavis - Director

**BRAINTREE DISTRICT COMMUNITY FOUNDATION
CIC**

**REPORT OF THE ACCOUNTANTS TO THE DIRECTOR OF
BRAINTREE DISTRICT COMMUNITY FOUNDATION
CIC**

The following reproduces the text of the report prepared for the director in respect of the company's annual unaudited financial statements. In accordance with the Companies Act 2006, the company is only required to file a Balance Sheet. Readers are cautioned that the Income Statement is not required to be filed with the Registrar of Companies.

As described on the Balance Sheet you are responsible for the preparation of the financial statements for the year ended 30 November 2017 set out on pages one to three and you consider that the company is exempt from an audit.

In accordance with your instructions, we have compiled these unaudited financial statements in order to assist you to fulfil your statutory responsibilities, from the accounting records and information and explanations supplied to us.



Richard Edwards Group LLP
Chartered Certified Accountants
The Maltings
Rosemary Lane
Halstead
Essex
CO9 1HZ

28 August 2018

This page does not form part of the statutory financial statements

100183/15

CIC 34

Community Interest Company Report

For official use
(Please leave blank)

Please
complete in
typescript, or
in bold black
capitalis.

Company Name in
full

Braintree District Community Foundation C.I.C.

Company Number

07183600

Year Ending

30 November 2017

PART 1 - GENERAL DESCRIPTION OF THE COMPANY'S ACTIVITIES AND IMPACT

The foundation sourced funding and donations from local businesses, individuals and organisations during the year in order to support their aims.

The foundation established an office at the Corner House in the market place at Braintree; which is run by volunteers and which also provides, in part of the space, a small ladies fashion boutique.

In November 2017, the foundation also opened a village shop in Castle Hedingham following the closure of its long standing village store. This shop provides a much needed community hub and is run by 50 volunteers. It is a life-line for the community, particularly the young, old and vulnerable residents.

Both shops trade commercially but have clear social objectives that benefit the community.

(Please continue on separate continuation sheet if necessary.)

PART 2 – CONSULTATION WITH STAKEHOLDERS

The foundation's stakeholders are our donors, local businesses, our volunteers and the people and organisations we support.

All stakeholders are actively encouraged to put forward ideas and to input into the projects undertaken by the foundation.

The office and community shop which gives a presence for the foundation in Braintree, was opened in August 2017 following consultation in 2016.

The foundation leafleted the whole of Castle Hedingham twice before the village shop opened in November 2017. Resident's feedback has shaped the focus of the community shop and local donors provided initial funding.

All volunteers are actively encouraged to input into the day to day management and running of the foundation's enterprises.

PART 3 – DIRECTORS' REMUNERATION

During the year a salary of £[REDACTED] each was paid to both Caroline Burrows-Wren and Joanne Beavis. No other remuneration or expenses were received by the directors.

PART 4 – TRANSFERS OF ASSETS OTHER THAN FOR FULL CONSIDERATION

No transfer of assets has been made other than for full consideration.

(Please continue on separate continuation sheet if necessary.)

PART 5 – SIGNATORY

The original report must be signed by a director or secretary of the company

Signed

J BEAVIS

Date 30/1/11

Office held Director

You do not have to give any contact information in the box opposite but if you do, it will help the Registrar of Companies to contact you if there is a query on the form. The contact information that you give will be visible to searchers of the public record.

Richard Edwards Group LLP

The Maltings, Rosemary Lane, Halstead, Essex

CO9 1HZ

Tel 01787 477183

DX Number

DX Exchange

When you have completed and signed the form, please attach it to the accounts and send both forms by post to the Registrar of Companies at:

For companies registered in England and Wales: Companies House, Crown Way, Cardiff, CF14 3UZ
DX 33050 Cardiff

For companies registered in Scotland: Companies House, 4th Floor, Edinburgh Quay 2, 139
Fountainbridge, Edinburgh, EH3 9FF DX 235 Edinburgh or LP – 4 Edinburgh 2

For companies registered in Northern Ireland: Companies House, 2nd Floor, The Linnenhall, 32-38
Linnenhall Street, Belfast, BT2 8BG

The accounts and CIC34 cannot be filed online

(N.B. Please enclose a cheque for £15 payable to Companies House)

Braintree district community foundation CIC

Companies house entries are below.

Company number: 09889242

Incorporation date: 25 November 2015

Directors at the date of incorporation;
Joanne Clare Beavis: Councillor
Caroline Burrows-Wren: Director

First confirmation statement date: 24 November 2016, received 02 December 2016
First accounts filed: 04 September 2017 (up to 30 November 2016)

Caroline Burrows-Wren ceased to be a director: 13 November 2017

Second confirmation statement date: 24 November 2017, received 07 December 2017
Second accounts filed: 10 September 2018 (up to 30 November 2017)

No further entries.

**BRAINTREE DISTRICT FOUNDATION COMMUNITY INTEREST COMPANY.
GOSFIELD FOUNDATION COMMUNITY INTEREST COMPANY.
S T R U C T U R E and G O V E R N A N C E.**

Braintree District Foundation Community Interest Company. Companies Number: 9889242. Registered office: Corner House. Market Place, Braintree. Essex. CM7 3HQ.

Companies Articles of Association change at 3.5

For the purpose of this article 3, the following asset-locked body is specified as a potential recipient of the Company's assets under Articles 3.2 and 3.4.

Name: Gosfield Foundation Community Interest Company.

Company Registration Number: 8880098.

Registered address: Easter Cottage, Park Hall Road, Gosfield. Essex. CO9 1SQ.

Director: Joanne Beavis.

Non-executive Director: [REDACTED]

Companies Presenter: Richard Edwards Group LLP. The Maltings. Halstead. Essex.

Accountants: Richard Edwards Group LLP. The Maltings. Halstead. Essex.

Gosfield Foundation Community Interest Company. Companies Number: 8880098. Registered office: Easter Cottage. Park Hall Road. Gosfield. Essex. CO9 1SQ.

Companies Articles of Association change at 3.5

For the purpose of this article 3, the following asset-locked body is specified as a potential recipient of the Company's assets under articles 3.2 and 3.4

Name: Braintree District Foundation Community Interest Company.

Registered address: Corner House. Market Place. Braintree. Essex. CM7 3HQ.

Director: Joanne Beavis.

Non-executive Directors: [REDACTED]

Members: [REDACTED]

Companies Presenter. Maurice Lake and Co Ltd. Maulak Chambers. Halstead. Essex.

Accountants: Maurice Lake and Co Ltd. Maulak Chambers. Halstead. Essex.

Signed..... 1st November 2018.

ENCLOSURE 9.5



Councillors' Community Grants

Scheme Guidance

Introduction

Braintree District's Councillors' Community Grants are available to support a range of projects to benefit the people of the Braintree District. This guide provides full details about the scheme and details of what the Council can fund, who is eligible to apply, any restrictions and what you need to provide in your application form.

Braintree District Council has created the Councillors' Community Grants Scheme to support the ideas and projects that local people want and need.

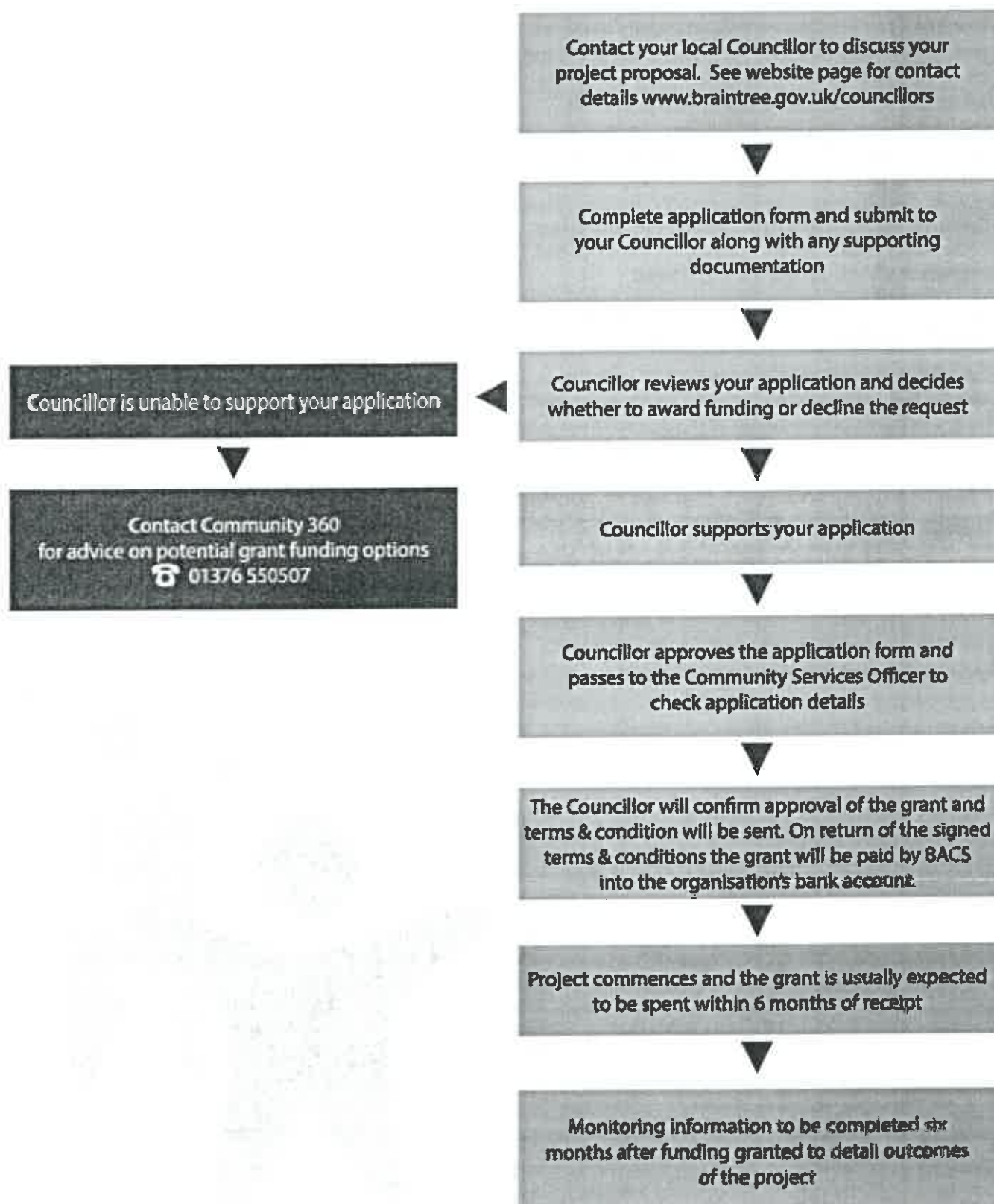
The grants awarded come from public money and decisions will be made by the councillors based on the information provided during contact with the applicant, the information provided on the application form and the local knowledge of the councillors of how the project fits within the wider community.

If your local Councillor supports your idea we will want to continue to keep in touch with you to see how you are progressing so we can provide help and advice along the way.

Please answer each question as fully as possible and if you have any queries please contact the Community Services Officer at Braintree District Council.



The Process



Summary of the scheme

Councillors' Community Grants are designed to be supportive and responsive for organisations and groups delivering community projects. Grants are intended to support smaller projects that are easy to deliver.

Each Councillor will be allocated £1500 per annum to spend on projects that benefit residents of their ward.

- Grants range from £100 - £1,500 per ward member for each grant period.
- If more than one Councillor is contributing it must benefit residents of the ward where the project is being delivered.
- 100% funding available, no match funding required.
- Applications can usually be submitted at any time.
- Your local District Councillor(s) will decide whether to support or decline your request for funding. See page 6 and 7 for details of your Councillor.
- Multiple Councillors can contribute to your project, so potentially 3 Councillors could contribute £300 each to award a grant of £900 or £1000 each making a grant award of £3000.
- Councillors can fund a project that is not taking place in their ward, but they must be able to clearly demonstrate that the people living in their ward will be able to take part in the project or scheme and will be able to benefit from the funding.
- Both revenue & capital costs can be supported.
- There is no limit to the number of Councillor Grants an organisation/group can receive – however each 'project' can only receive 1 grant.
- Project funding must normally be spent within 6 months of the grant approval. In some circumstances a period of up to 12 months may be agreed.
- Any formally governed 'not for profit' organisation can apply for a grant. These may include:
 - Registered Charities
 - Constituted 'not for profit' Community or Voluntary Groups
 - Parochial Church Councils (anything that benefits the wider community)
 - Social Enterprises e.g. Community Interest Company, Co-operative
 - Village Hall and Recreation Ground Committees
 - Town & Parish Councils (anything that is not an ordinary or existing activity/function or a statutory obligation or duty and benefits the wider community)
 - Schools (anything that is not statutory/ curriculum based and benefits the wider community)

Who can and cannot apply for a Councillors' Community Grant?

To apply for a Braintree District Council Councillors' Community Grant your organisation must be some type of formally governed 'not for profit' organisation with a written governing document (e.g. Constitution, Trust Deed, Articles of Association etc). The organisation must possess a UK bank account registered in the name of the organisation. In line with best practice it must require a minimum of two unrelated persons not living at the same address to authorise all withdrawals.

Eligible Groups

- Registered Charities
- Constituted 'not for profit' Community or Voluntary Groups
- Parochial Church Councils
- Social Enterprises
- Village Hall and Recreation Ground Committees
- Town & Parish Councils (anything that is not an ordinary or existing activity/function or a statutory obligation or duty)
- Schools (anything that is not statutory and benefits the wider community)

Ineligible Groups

- Informal Groups
- Individuals
- Private Businesses
- Organisations that can distribute surpluses/profits amongst its members
- Profit making organisations

Funding

The Councillors' Community Grant Scheme is open and flexible to what it could potentially fund. However the grants are funded from public money and so there are some restrictions what the grants can and cannot be used for. Listed below are some examples of eligible and ineligible expenditure.

What we can fund;

Capital costs such as:

- ✓ Building improvements
- ✓ Playground equipment
- ✓ Vehicle purchases
- ✓ Recreation facilities
- ✓ IT equipment
- ✓ Sports equipment
- ✓ Disabled facilities
- ✓ Energy efficiency measures

Revenue costs such as:

- ✓ Salaries
- ✓ Rent
- ✓ Training fees
- ✓ Professional fees such as architect fees
- ✓ Event costs - where funding is not the primary objective
- ✓ General repairs
- ✓ New or existing projects, although new projects are preferred.

What we cannot fund;

- ✗ Recoverable VAT – If your organisation is VAT registered and able to reclaim VAT we cannot fund the VAT element of your project costs
- ✗ Depreciation – as this is not a real cash cost
- ✗ Bank, finance or audit charges
- ✗ Repayment of loans or interest costs
- ✗ Retrospective costs – we cannot fund any expenditure that has already been incurred or you are committed to incurring before the grant is approved
- ✗ CCTV projects
- ✗ General appeals for funds
- ✗ Endowments (to provide a source of income)
- ✗ Fundraising activities
- ✗ Statutory obligations
- ✗ Ordinary activities of a statutory body
- ✗ Contingency costs
- ✗ Purchase of alcohol
- ✗ Projects that mainly benefit an individual (i.e. equipment that is not shared)
- ✗ Land or building projects where the ownership of the land or a minimum 5 year lease is not yet in place
- ✗ Projects occurring outside the Braintree District
- ✗ Projects that do not benefit Braintree District residents
- ✗ Projects that promote or support a particular political view
- ✗ Projects that directly promote a religious belief
- ✗ Projects that will be entirely reliant on continued grant support

Your Local Councillor



Bocking Blackwater
Stephen Canning
Tel: (01376) 310615



Bocking Blackwater
Lyn Walters
Tel: (07947) 775107



Bocking Blackwater
Wendy Schmitt
Tel: (01376) 345363



Bocking North
David Mann
Tel: (01376) 323539



Bocking North
Tony Everard
Tel: (01376) 321183



Bocking South
Moia Thorogood
Tel: (01376) 560698



Bocking South
John Baugh
Tel: (07507) 431503



Braintree West
John McKee
Tel: (01376) 326358



Braintree West
Ron Ramage
Tel: (07969) 934224



Braintree South
Malcolm Dunn
Tel: (07717) 168983



Braintree South
Vanessa Santomauro
Tel: (07740) 348528



**Braintree Central
& Beckers Green**
John Cunningham
Tel: (07487) 668223



**Braintree Central
& Beckers Green**
Mary Cunningham
Tel: (07811) 780355



**Braintree Central
& Beckers Green**
Andrew Hensman
Tel: (07966) 543236



Bumpstead
Diane Garrod
Tel: 07979 790637



Coggeshall
Lynette Bowers-Flint
Tel: (01376) 323196



Coggeshall
Lady Newton
Tel: (01376) 563344



**Gosfield
& Greenstead Green**
John O'Reilly-Cicconi
Tel: (01787) 466030



**Great Notley
& Black Notley**
Graham Butland
Tel: (01376) 345681



**Great Notley
& Black Notley**
Tom Cunningham
Tel: 07891 537669



Great Notley & Black Notley
Frankie Ricci
Tel: (01376) 322695



Halstead St Andrews
David Hume
Tel: (01787) 477086



Halstead St Andrews
Stephen Kirby
Tel: (07733) 111864



Halstead Trinity
Jackie Pell
Tel: (07733) 138535



Halstead Trinity
Julia Allen
Tel: (07500) 015981



Hatfield Peverel & Terling
James Coleridge
Tel: (07534) 275449



Hatfield Peverel & Terling
David Bebb MBE
Tel: (01245) 381065



Hedingham
Hytton Johnson
Tel: (01787) 463991



Hedingham
Jo Beavis
Tel: (07771) 084365



Kelvedon & Feering
John Elliott
Tel: (07943) 496014



Kelvedon & Feering
Robert Mitchell
Tel: (01376) 570254



Rayne
Mike Banthorpe
Tel: (01376) 322306



Silver End & Cressing
Kevin Bowers
Tel: (01376) 323196



Silver End & Cressing
James Abbott
Tel: (01376) 584576



Stour Valley North
Jona Parker
Tel: (07802) 821450



Stour Valley South
Wendy Scattagood
Tel: (01787) 267800



The Colnes
Chris Siddall
Tel: (01787) 222645



The Colnes
Gabrielle Spray
Tel: (07415) 886839



Three Fields
Peter Tattersley
Tel: (07938) 930003



Three Fields
Peter Schwier
Tel: (01787) 460473



Witham Central
Angela Kilmartin
Tel: (01376) 502872



Witham Central
Sue Wilson
Tel: (01376) 561840



Witham North
John Charles Goodman
Tel: (07961) 146262



Witham North
Phil Barlow
Tel: 07774 196879



Witham South
Gavin Maclure
Tel: (01376) 516547



Witham South
Janet Money
Tel: (01376) 515900




Witham West
Bill Rose
Tel: (07553) 082384



Witham West
Patrick Horner
Tel: (01376) 501857



Yeldham
Richard van Dulk
Tel: (07803) 932737

 More information about your Ward Councillor can be found here:
www.braintree.gov.uk/councillors

Match funding requirements

Councillors' Community Grants can fund up to 100% of project costs and so match funding is not always necessary.

However, if the cost of your project exceeds the amount of grant you are requesting you will need to tell us where the remaining funding is proposed to come from. Remember that you must have all funding required to complete the project in place within 6 months of approval of your Councillors' Community Grant application.



Parish and Town Councils

We welcome applications from Town and Parish Councils but because Town and Parish Councils are unique in possessing the ability to raise funds locally through precept funding, we will not pay for activities or services that are classified as either a:

- **Statutory obligation or duty** (e.g. maintenance of closed cemeteries)
- Project that is deemed an **ordinary or existing activity/function** to the Council.

As each Town and Parish Council has a unique set of activities and responsibilities the above restriction will be applied on a case by case basis, however the following questions may help you to identify if the project will be classified as an ongoing or ordinary activity.

1. Is the project a 'one-off' or new activity that has not previously been undertaken by the Council? Examples may include the installation of additional playground equipment or the provision of additional public seating areas. If 'yes' then the project will likely be eligible.
2. Has the activity/project been undertaken within the previous 24 months? Examples may include the ongoing maintenance of unadopted verges hedge rows, provision of grit bins for residents etc. If the answer is 'yes' then the application may be rejected.

Schools

We welcome applications from schools as we recognise that schools play an important role within their communities, however we will not pay for activities or services that:

- Is a statutory provision of schools to provide. For example, curriculum based activities, or any activity taking place during curriculum time.
- mainly benefit the pupils of the school and have limited benefit to the wider community (e.g. provision of playground equipment where the equipment is not accessible outside of school hours).

We expect projects being undertaken by schools to take place/be accessible before or after school and/or in the holidays unless you can provide us with a good reason in your application why this is not possible.

Examples of eligible projects in schools

A wildlife garden within the school grounds is developed which is open to the community outside of school hours.

A local sports club provides an opportunity to participate through an after school club. Parents are encouraged to join in and possibly become members of the club which has regular tournaments, training sessions and coaching facilities.

Branches of larger organisations

Many charities, societies and other types of 'not for profit' organisations are branches or subsidiaries of much larger and wealthier regional, national or even international 'parent' organisations. An example might be a local branch of Oxfam.

For the local branch to be eligible to apply to the Councillors' Community Grant Scheme they must be able to satisfy the following additional criteria:

1. Possess their own local bank account, free from control of the parent organisation.
2. Have a local management board/committee that is able to make operational and financial decisions independently.

Other information

Transparency and Publicity

Details of all awards will be published on Braintree District Council's website in accordance with government policy. No personal information will be published. We will also supply a list of grants awarded to the local media who may want to contact you about your project.

Applicants must acknowledge Braintree District Council's financial support in any publicity, printed or website material and use the Council's approved logo.

We would really like to hear about the success of the projects and would request that you take a photograph of the project and invite the Councillor who approved the grant to be included. This photograph may be published and used for publicity purposes for both the project and the Councillors' Community Grant Scheme.

Monitoring

All successful applicants will be required to complete a monitoring form detailing the outcomes of the project. (A form will be sent out for completion 6 months after the award of any funding).

Receipts

Copies of all receipts relating to the grant awarded must be provided to the Council as part of the monitoring process. Because this is public money evidence of the spend of the full amount of the grant will be required.

Application

By signing the application, applicants are confirming that all particulars given in the form are correct and that any grant money received from Braintree District Council will be used only for the purposes stated in the form.

Applicants are also confirming that any grant applied for will be spent within 6 months of the grant being awarded, and that any grant provided will not be provided on an ongoing basis in future years.

Insurance

It is good practice to insure valuable items that you buy with our grant. Remember to include the insurance costs in your project costs if you cannot pay for them from your own funds.

Legal compliance

In addition to the standard conditions for grants, organisations in receipt of a Councillors' Community Grant must meet with all applicable legal, health and safety, ethical and regulatory requirements. It is expected that funded activities will be accessible to all sectors of the community to avoid discrimination and delivered in a manner & environment that protects the safety of participants. If in doubt organisations should seek appropriate advice.

Data Protection

The Council will use the information you provide to us in your application and during the life of any grant awarded to enable the Council to analyse your application and administer your grant.

The Council may also

- share this information across council departments and with other local authorities and government organisations and professional experts (like accountants) as may be necessary to analyse your application and to monitor the grant project for audit purposes.
- check information provided as part of the application with other information it holds and such third parties that are referenced in your application or are involved in your project.

Further information about how the Council processes personal information can be found on the website www.braintree.gov.uk/privacy

Freedom of Information Act (FOIA)

The Freedom of Information Act 2000 gives members of the public the right to request information that we hold. This includes information received from third parties, such as (but not limited to) grant applications, grant holders, contractors and people making a complaint. If the FOIA applies we will release information, unless exemptions apply. However, we may choose to consult with you first.

Elections

No Councillors' Community Grants will be paid or processed during a scheduled General, European, County, District, Town and Parish elections in the District, following publication of the notice of election, until the conclusion of the election;

In a by-election of any Braintree District Councillor serving a multi-member ward, no Councillors' Community Grants from other Members in that Ward will be paid or processed, following the publication of the notice of election, until the conclusion of the election; and

In the event of a Parish By-Election, no Councillors' Community Grants will be processed from Councillors' Community Grants within the Ward for the benefit of the Parish which has the election, following the publication of the notice of election, until the conclusion of the election.

Supporting Documents

As a minimum requirement for funding from the Councillors' Community Grants Scheme groups are expected to have an adopted constitution or set of rules.

Any group that works with children, young people or vulnerable adults, who are applying for a Braintree District Councillors' Community Grant will be expected to have appropriate safeguarding policies in place and work to them. Policies must comply with guidance set out by Essex Safeguarding Adults Board (ESAB) and Essex Safeguarding Children's Board (ESCB).

Essex Safeguarding Children Board is a statutory body which acts as a mechanism for agreeing how relevant organisations in Essex co-operate to safeguard and promote the welfare of children and young people.

www.escb.co.uk/en-gb/home.aspx

www.escb.co.uk/Portals/67/Quick-Guide-to-Developing-Safeguarding-Policy.pdf

Essex Safeguarding Adults Board has a formal statutory base through the Care Act 2014 and has the following objectives

- To help and protect adults who have needs for care and support, who are experiencing or at risk of abuse or neglect.
- To promote and develop effective safeguarding systems for adults across a wide range of agencies in Essex.

www.essexsab.org.uk/en-gb/aboutesab.aspx

Groups should have a Health and Safety Policy in place to ensure that staff, volunteers and people participating in the activities of the organisation can be confident that they are protected from harm.

Braintree District Council is committed to equality of opportunity for all and so groups seeking funding are expected to have an Equal Opportunities Policy to demonstrate they share this principle.

If any of the above policies or documents are not in place groups may be asked to explain why before a grant can be awarded.

For more information please contact:

**Community Services Officer
Community Services
Braintree District Council
Causeway House
Braintree
Essex CM7 9HB**

 **communityservices@braintree.gov.uk**
 **01376 552525**

**If you would like this document in large print
please contact us.**

October 2018

10. SUBSEQUENT COMMENTS ON DRAFT REPORT

Additional comments of Caroline Burrows-Wren

- CBW repeats that JB at all times knew that CBW had resigned and had absolutely no intention of withdrawing her resignation or ever returning to the Foundation. She points out that if JB thought that CBW was returning, it would not be appropriate to ask her for her keys, to return the bank card and the PIN generator for the bank account, which she did immediately. CBW thinks it is illogical that JB could acknowledge her resignation as a director but then claim on March 2018 that she was still a director.
- With regard to the acceptance of her resignation, CBW would point out that there was no board as such to accept the resignation and asks why, if her resignation was not final, why would she process her resignation with Companies House and why would JB have signed the new Lease of the Braintree Shop in her name only?
- CBW states that if JB thought that CBW was still a director in March 2018, why should discussing the Bank Mandate why did she sign it in December, although the Bank returned it at the time. She points out that if the application for funding had not come to her attention she would not have discovered that her name was still on the account and accuses JB of manipulating the situation to suit her in an attempt to deny responsibility for her own actions.
- CBW asked why if JB was aware that CBW was still a signatory on the Bank account in early 2018 it would not be logical that she would feel so upset to threaten her by saying that she would report her to Essex Police after consulting with her solicitor.
- CBW stresses that she did not make the complaint out of malice but she was very concerned over her name being put on the funding application which led to public money being spent without her knowledge, her being stated as being a director several months after her resignation and discovering her name had remained on a business account after JB had assured her it would not have been. She states that she believes that JB has acted in a dishonest manner, that Essex Police regard this as a potential identity theft and Barclays Bank are carrying out their own enquiry on the matter.
- CBW states that as a Councillor it is JB's responsibility to ensure she has a full understanding of the conditions related to Councillor's Grants and that she is innocent, naive, irresponsible or manipulating the situation to suit her in an attempt to deny responsibility for her own actions.
- In terms of findings, CBW accepts that there were 2 signatories to the Bank account at the relevant time and she is not in breach of paragraph 7.1 with regard to this, it is only a "technicality".
- CBW would ask whether JB informed Cllr Johnson that she was sole director of the Braintree Foundation as he may have been privy to the fact that she had resigned when he agreed to the funding.
- CBW has pointed out that she had the Braintree Shop open for 6 days a week full-time on her own for almost 3 months, whilst waiting for the first volunteer to start who then said she did not wish to work alone. She points out that at several times she requested the help of JB to operate the shop and this was blatantly refused. She states that when on occasions she said she needed a couple of days off, JB said to her *"you need to man up, put a smile on and get on with it"*. She feels that once JB got what she wanted she was regarded as being *"surplus to requirements"*. She points out that at no time did she tell JB that she was working for Braintree District Council but does say that she had been employed by the local voluntary service. She would point out that before

CBW gave her resignation she ensured that volunteers were in place for the Braintree Shop. She thought it was a courtesy to inform volunteers of her resignation, leaving a note for volunteers who were not in attendance and arranging a rota.

- CBW points out that in handing over, particularly to JB would be impossible as she refuses to attend meetings, favouring messaging systems and emails. She would have been willing to discuss a handover with a planned journey but that was not possible with a business partner that only worked on a "virtual" basis. She would also point out that the Accountant did communicate correctly with JB at all times.
- CBW denies that she returned to the Braintree Shop "on several occasions". She was asked to remove items from the communal kitchen and basement to the building. She removed 2 personal items of hers and everything else belonged to the business and was not hers to touch. She handed her keys to Ignite staff as the landlord of the shop on the day that she resigned and had no way of accessing the Braintree Shop on her own. On the one occasion she entered the Braintree Shop there were 2 witnesses and she did not interfere with the shop in any way, but she was checking with the whereabouts of stock belonging to [REDACTED]. CBW was concerned to note at the time that JB had removed the stock book. This left CBW embarrassed with her personal loss.
- CBW stresses that she has had no further activity with the CIC after her resignation. With regard to the [REDACTED] being a provisional named benefactor, she states that JB had full knowledge that the CIC was dormant and that by November 2018 the company would be formally closed which can be verified by Mike Watson, the Accountant. CBW is awaiting confirmation.
- CBW is not and has never been in receipt of payments in the form of wages for a retainer. The only payments she has had are those agreed for reimbursement of stock and shop fittings. She was still owed £[REDACTED]. She received £[REDACTED] in 2015 to cover printing, launching expenses and travel. JB has chosen to put a £[REDACTED] for each through her accounts as well as wages which seemed strange as there were no payroll and no National Insurance.
- CBW stresses that she has no political agenda, she is not politically active although she is a Conservative voter and a hard-working member of the community. She states that she wrote to Mr Butland as Council Leader and has no personal knowledge of Mr Hunt. CBW does accept that JB informed her of issues between her and Mr Butland and supported her but would not be able to actually comment or support her in her campaign. She realised that Mr Butland would need to pass on her complaint to someone else within the Council and would need to distance himself from it. All that she wanted was to have reassurance that her name would be removed from the application and to have formal confirmation that she would not be held responsible for the funding. She feels that JB has escalated this to an investigation by denying knowledge of her resignation and not removing her name from the account. She strongly objects to JB using the account with her name on it. Every transaction since she sent the Mandate has been without her knowledge or permission.
- CBW feels strongly that JB placed her name on the application because the guidelines states that 2 people have to be responsible for the funding, noticing that JB put her name first which, although a minor detail, is out of character for her. She stresses that JB had absolutely no right or authority to put her name on the application and that JB authorised the application from her public purse knowingly and falsely. She describes herself as being horrified that JB would use a member of the community in association with public funds to the advantage of her own business. She is concerned by having been threatened with the Police for having access to bank statements, had to inform

her employers of the situation and [REDACTED]
[REDACTED]

- CBW reiterates that she would wish to have a public apology from JB for putting her through all of this, feeling she has been used and victimised whilst JB has *"tried every trick in the book to dig herself out of a mess of her own making"*, during a time when she has been caring for a seriously ill mother. She feels that she has been threatened with arrest by Essex Police, harassed by an Uttlesford senior person and is still out-of-pocket to the tune of £[REDACTED]

Additional Comments of Cllr Joanne Beavis

- In summary, Cllr Beavis states that she struggles to understand how CBW went to the Bank and obtained bank statements which she passed to the Leader of the Council and that in doing so she must have acted in the capacity as a director or acting director.
- JB would stress that she has sought to make contact with CBW on several occasions to try and ascertain in what capacity she went to the Bank and who she shared the bank statements with and that her Solicitor has heard nothing back from her in this regard.
- JB would stress that in 25 years of business she has relied on professionals to advise her, such as her accountant and solicitor but she was never formally updated with regard to CBW's name being removed from the Company as a director at Companies House. She remains concerned that there has been a complete lack of communication, no handover meeting nor a discussion of roles or responsibilities for the future business of the Foundation.
- JB would emphasise that she did not believe that CBW had completely removed herself from her role within the CIC at the time the application for the grant was submitted, and the fact that she was going to the bank to obtain information documentation she was at least acting for the CIC on a continuing basis. JB regarded it as her responsibility to make the changes at Companies House.
- JB has stressed that she has sought repeatedly to achieve an informal resolution of the dispute via her solicitor and the Council's Monitoring Officer.
- JB states that this matter has caused her a great degree of personal distress.
- JB states that after her case, the procedure for the payment of grant monies has been changed in that monies are not now paid over until the Terms and Conditions have been signed.
- JB would stress that although she does not feel that a public apology is warranted on 2 occasions her Solicitor has sought a formal resolution, but that these attempts have been dismissed.

CONFIDENTIAL REPORT

PRIVATE AND CONFIDENTIAL

Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for Braintree District Council, into allegations concerning Councillor Butland, a Member of Braintree District Council.

Dated: 30 July 2020

VOLUME 1 REPORT

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Volume 2

Appendix A	Schedule of evidence taken into account and list of unused material
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1. Executive Summary

- 1.1 Councillor Graham Butland is a Member of Braintree District Council having been first elected in May 2003.
- 1.2 Councillor Joanne Beavis is also a Member of Braintree District Council having been first elected in May 2003.
- 1.3 Both were elected as Conservative Councillors. In 2004 Councillor Butland was elected as Leader of the Conservative Group and appointed as Leader of the Council. In 2007 Councillor Beavis was appointed to the Council's Cabinet by Councillor Butland.
- 1.4 In 2016 the relationship between Councillor Butland and Councillor Beavis deteriorated due to a dispute over the Conservative Party's selection of candidates for the County Council elections which were due to be held in 2017.
- 1.5 In June 2016 Councillor Beavis was removed from the Council's Cabinet by Councillor Butland.
- 1.6 In April 2018 Councillor Butland received an email from Ms Burrows-Wren regarding a grant application that had been submitted to the Council by Councillor Beavis. Ms Burrows-Wren expressed concern that her name had been used by Councillor Beavis on the grant application when she (Ms Burrows-Wren) was no longer involved with the organisation seeking the grant.
- 1.7 Councillor Butland referred the email to the Council's Chief Executive who forwarded it to the Monitoring Officer. The Monitoring Officer dealt with the email in accordance with the Council's Constitution eventually determining that the matter should be investigated as a standards complaint. Stephen Pearson of Freeths Solicitors was engaged to carry out the investigation.
- 1.8 Mr Pearson found that Councillor Beavis had breached the Council's Code of Conduct. Before his investigation report could be considered by the Council Councillor Beavis resigned from her position as a member of the Council.
- 1.9 Mrs Beavis (at the time no longer a District Councillor) submitted a complaint to the Council's Monitoring Officer in February 2019. A further complaint was submitted in December 2019 and this has been the subject of this investigation.
- 1.10 Following assessment of the complaints we were engaged to consider the following allegations that Councillor Butland had:-
 - (a) influenced the investigation of an allegation that Councillor Beavis had failed to follow the Council's code of conduct;
 - (b) bullied Councillor Beavis during the investigation;
 - (c) intimidated Councillor Beavis during the investigation;

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- (d) treated Councillor Beavis with disrespect and bullied Councillor Beavis during a period of three years when Councillor Beavis and Councillor Butland were members of the same political group on the Council; and
 - (e) acted with disrespect and attempted to intimidate Councillor Beavis in holding up a copy of Mr Pearson's investigation report during the Council meeting of 16 December 2019.
- 1.11 Our conclusion is that there has not been a breach of the code of conduct of the authority concerned by Councillor Butland.

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2. Councillor Butland's official details

- 2.1 Councillor Butland was first elected to Braintree District Council (the Council) in May 2003 representing the Conservative Party.
- 2.2 Councillor Butland signed a declaration of acceptance of office most recently on [date]
- 2.3 Councillor Butland has received training on the Councillors' Code of Conduct, the most recent being in May 2019.

3. Relevant legislation and protocols

- 3.1 Section 27 of the Localism Act 2011 (the Act) provides that a relevant authority (of which the Council is one) must promote and maintain high standards of conduct by members and co-opted members of the authority. In discharging this duty, the Authority must adopt a code dealing with the conduct that is expected of members when they are acting in that capacity.
- 3.2 Section 28 of the Act provides that the Authority must secure that its code of conduct is, when viewed as a whole, consistent with the following principles:-
- (a) Selflessness;
 - (b) Integrity;
 - (c) Objectivity;
 - (d) Accountability;
 - (e) Openness;
 - (f) Honesty;
 - (g) Leadership.
- 3.3 The Authority adopted a Code of Conduct (attached at WC 1) on 8 May 2015 in which the following paragraphs are included:-
- 3.4 Paragraph 2 of the Code states:-

“Who does the Code apply to?”

- 2.1 *This Code applies to all Members of Braintree District Council including co-opted members.*
- 2.2 *It is your responsibility to comply with the provisions of this Code.”*

- 3.5 Paragraph 3 of the Code states:-

“What does the Code apply to?”

- 3.1 *You must comply with this Code whenever you-*
 - 3.1.1 *Conduct the business of the Authority, or*
 - 3.1.2 *You are acting as a representative of the Authority.*
- 3.2 *This Code has effect in relation to your conduct in your official capacity”*

- 3.6 Paragraph 5 of the Code states:-

“General obligations

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- 5.1 *You must treat others with respect.*
- 5.3 *You must not...*
 - 5.3.2 *Bully any person;*
 - 5.3.3 *Intimidate or attempt to intimidate any person who is or is likely to be:-*
 - 5.3.3.1 *a complainant;*
 - 5.3.3.2 *a witness; or*
 - 5.3.3.3 *involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct; or*
 - 5.3.3.4 *Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority."*

3.7 Paragraph 7 of the Code states:-

"Conferring an advantage or disadvantage

- 7.1 *You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage."*

4. The Evidence Gathered

Our appointment

- 4.1 The Council's Monitoring Officer, Ian Hunt, considered two complaints made by Councillor Beavis regarding the conduct of Councillor Butland. The first complaint was submitted on 26 February 2019. A further complaint was submitted on 18 December 2019. The complaints against Councillor Butland were referred to Wilkin Chapman LLP Solicitors for investigation on 20 February 2020.
- 4.2 Work in respect of this matter was undertaken by Jonathan Goolden, Alan Tasker and Gill Thompson.
- 4.3 We wish to record our thanks for the co-operation and courtesy shown to us by all those we had cause to contact during the investigation.

The complaint

- 4.4 The Council received a complaint from Councillor Beavis on 26 February 2019. The complaint related to the alleged conduct of Councillor Butland in respect of his dealings in the handling of a complaint submitted by Ms Burrows-Wren regarding Councillor Beavis' involvement in a grant application submitted to the Council. The complaint alleged bullying and intimidating behaviour by Councillor Butland.
- 4.5 A further complaint was submitted by Councillor Beavis on 18 December 2019 regarding Councillor Butland's conduct at a meeting of the Council held on 16 December.
- 4.6 Copies of the complaints, together with other relevant documents are annexed to this report and listed in a schedule of evidence at Appendix A.

The Investigation

- 4.7 On 31 March 2020 Mr Tasker conducted a telephone interview with Councillor Beavis from which a statement was produced and signed on 7 May 2020.
- 4.8 On 1 April 2020 Mr Tasker conducted telephone interviews with Caroline Burrows-Wren, Nigel McCrea, Stephen Pearson, Ian Hunt, Councillor John McKee and Councillor Dick Madden from which statements were produced and signed.
- 4.9 On 2 April 2020 Mr Tasker conducted telephone interviews with Councillor Wendy Schmitt, Councillor Peter Tattersley and Lady Patricia Newton from which statements were produced and signed.
- 4.10 Mr Tasker produced a draft statement for Andy Wright from Council documents and an earlier face to face discussion, Mr Wright amended the statement and signed a copy.
- 4.11 On 2 April 2020 Mr Tasker conducted a telephone interview with Councillor Graham Butland from which a note was prepared. Councillor Butland was given an opportunity to comment on the notes of the interview.

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- 4.12 Mrs Thompson viewed the webcast of the Council meeting held on 16 December 2019 and produced a transcript of the relevant part of the meeting (enclosed at WC 2).

Background

- 4.13 Councillor Beavis submitted a grant application to the Council dated 25 March 2018 in her capacity as a Director of Braintree District Community Foundation CIC. In the application she named Caroline Burrows-Wren as a Director of the CIC. Ms Burrows-Wren had resigned as a Director of the CIC in November 2017.
- 4.14 In April 2018 Ms Burrows-Wren received correspondence from the Council regarding the grant application which caused her concern as she was no longer associated with the CIC. She contacted Councillor Butland as Leader of the Council by email expressing her concern. Councillor Butland forwarded the email to the Council's Chief Executive.
- 4.15 The email was referred to the Council's Monitoring Officer as it made reference to the Council's grant award and possible anomalies in the application. Following an initial fact finding exercise the email was considered to be a standards matter and Stephen Pearson of Freeths Solicitors was engaged to carry out an investigation.
- 4.16 On completion of his investigation Mr Pearson produced a report in which he found that Councillor Beavis had breached the Council's Code of Conduct.
- 4.17 On 1 February 2019, before the Council could consider the recommendations in the investigator's report, Councillor Beavis resigned from the Council. This brought an end to the matter as it was considered there was nothing the Council could do as Councillor Beavis was no longer a member of the Council.
- 4.18 On 26 February 2019 Councillor Beavis submitted a complaint about the conduct of Councillor Butland.
- 4.19 Councillor Beavis was re-elected to the Council in May 2019 having stood as an Independent.
- 4.20 On 16 December 2019 both Councillor Beavis and Councillor Butland attended a meeting of the Council. Following the meeting Councillor Beavis submitted a complaint about the conduct of Councillor Butland at the meeting.

Councillor Joanne Beavis' complaints

- 4.21 Councillor Beavis submitted a complaint on 26 February 2019 (enclosed at WC 3). The complaint was in four parts; first that Councillor Butland influenced the process of a complaint made against her. Second, that Councillor Butland used bullying and intimidating behaviour towards her during the handling of the complaint against her. Thirdly, a three year case of bullying, intimidation and victimisation towards her by Councillor Butland. And fourthly, bullying, intimidation and victimisation to harass her by Councillor Butland which was reported to Essex Police in February 2019.

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- 4.22 Councillor Beavis submitted a further complaint by email on 18 December 2019 (enclosed at WC 4). The complaint was that at a meeting of the Council on 16 December Councillor Butland held up a copy of the report into the investigation of a complaint against her which was intimidating and bullying.

Councillor Beavis

- 4.23 Councillor Beavis was interviewed by Mr Tasker on 31 March 2020 from which a statement was prepared (attached at WC 5). Councillor Beavis said:-

- (a) she was a member of Braintree District Council having been first elected in May 2003 as a Conservative Councillor. From 2007 to 2016 she was the Cabinet Member for People and Communities. She resigned from the Council and from the Conservative Party in January 2019 due to the issues set out in her statement. She was re-elected as an Independent Councillor in May 2019;
- (b) she was also a Member of Essex County Council having been elected in May 2017. During the period 2018-2019 she was a Member of the Essex County Council Cabinet Office as Deputy Member for Children and Families. She also held a number of positions at a national level including the Local Government Association and the National Board of Conservative Councillors;
- (c) she understood that the investigation being carried out by Wilkin Chapman solicitors only covered the parts of her complaint that related to the conduct of Councillor Butland and that the matters relating to the conduct of the Council would be dealt with separately;
- (d) her complaints were to demonstrate that over a four year period she had been singled out for bullying, intimidation and harassment by Councillor Butland. That he had influenced the investigation into a complaint made against her. And that at a meeting of the Council he had intimidated her by holding up a copy of the investigation report;
- (e) first, she believed that Councillor Butland was involved in the conduct of an investigation into an issue raised by Ms Burrows-Wren regarding a grant application she made to the Council. This was evidenced by the fact that Ms Burrows-Wren originally raised the matter with Councillor Butland who then referred it to the Council's Chief Executive;
- (f) when she was made aware of the matter and that it was being dealt with as a complaint she contacted Councillor Butland as he was the Leader of the Conservative Group, and Leader of the Council. As a member of the Conservative Group she considered it appropriate that he should be informed. His response was that he was on holiday and could not find anything on the Halstead Gazette Facebook page. He never mentioned the initial complaint had gone to him and that he was speaking to the Chief Executive about it;
- (g) as he was aware of the complaint from the outset she believed that, as the Leader of her Group, he should have shown some leadership and spoken to her about the matter. At least to elicit her views and

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comments on the issues raised with him in Ms Burrows-Wren's email to him;

- (h) she believed that Councillor Butland influenced how the matter was handled and the subsequent investigation by how he dealt with the original communication from Ms Burrows-Wren. The complaint related to a grant application she submitted to the Council on behalf of a Community Group of which she was a Director. A fact that was openly acknowledged. When other Councillors with an interest in an organisation applying for a grant applied for a similar grant the matter was raised with the Councillor and resolved. She had been treated differently;
- (i) when Councillor Butland received the communication from Ms Burrows-Wren she believed he thought this was his opportunity to 'take me out'. This is due to the difficult relationship they had experienced from early 2016 which she explained in more detail below. Whilst she did not believe Councillor Butland exerted any pressure on the investigator appointed by the Council it is clear that he influenced how the correspondence from Ms Burrows-Wren was dealt with;
- (j) she also believed that Councillor Butland exerted some influence on the Council's Monitoring Officer during the investigation. This was evidenced by the use of language in correspondence she received from the Monitoring Officer. In one email the Monitoring Officer referred to a 'robust' exchange, this was exactly how Councillor Butland referred to a telephone conversation she had with him;
- (k) having influenced the handling of the matter Councillor Butland then went on to intimidate her during the course of the investigation carried out by Freeths. She believed that Councillor Butland informed various media outlets of the details of the complaint which were subsequently reported in the press with exclusive stories and leaked to BBC Radio Essex. This was very intimidating and led to the public perception of her being severely diminished;
- (l) throughout this period Councillor Butland offered no support to her which she believed was part of his role as Leader of her Group. The only contact she had with him was when he summoned her to a meeting in June 2018. His summons to the meeting was not clear so she emailed him to seek clarification. His response was that it was to establish the facts relating to the grant application and to third party issues;
- (m) Councillor Butland also reported the issues to Councillor David Finch, Leader of Essex County Council. At this point she was advised to leave the Essex County Council Conservative Group;
- (n) the meeting with Councillor Butland was held on 15 June 2018 and attended by her, Councillor Butland, Councillor Madden and Councillor McKee. At the meeting she felt that she was being interrogated by Councillor Butland. During the meeting Councillor Butland produced bank statements for her business which should have been personal to her. He also interrogated her on the transactions on these, which she

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found extremely intimidating. His attitude to her during the meeting was that she should 'sit there and shut up'. The outcome of the meeting was that Councillor Butland was telling her how to run her business outside of the Council. He also instructed her not to contact Ms Burrows-Wren. She considered this unreasonable as she was still trying to complete Ms Burrows-Wren's request to be removed as a Director of the business;

- (o) as referred to earlier, her relationship with Councillor Butland deteriorated in early 2016. This was after nine years of working together on the District Council's Cabinet. About a year prior to the County Council elections held in May 2017 she and Councillor Butland were on a list of prospective candidates for seats on the County Council. They were called to a selection meeting in front of the Party Executive. At the end of the morning she was informed that she had been successful in being selected as a candidate for a seat;
- (p) the seat she was selected for was the seat that Councillor Butland wanted. At that point their relationship changed. As she was on her way home from the selection interview Councillor Butland rang her, she pulled over to answer his call. Councillor Butland wanted her to give up the seat so he could stand. He stated that he had done a lot for her over the years, he was a senior long standing conservative of 50 years and she should stand down for him. It was described by Councillor Butland as a robust conversation on his part, which she has described, over a four year period, as bullying behaviour by a senior Conservative male on a junior female colleague;
- (q) about two weeks after this that Councillor Butland informed her that he had removed her from external regional and national bodies such as the Essex County Council Health and Well being Board and Executive Board of the LGiU national Political Think Tank, of which she had served effectively and professionally for many years gaining shortlisting as Councillor of the Year for her work at Braintree District Council by the LGiU. She was also stripped of all the positions she held on the Council. Councillor Butland refused to discuss the telephone call. He escalated the intimidation through the newspaper which published a front page article which referred to the 'mystery' of her removal from the Cabinet. People commented to her that he would do this. The Council or Councillor Butland made no comment;
- (r) the Conservative Party did look into the matter between June and December 2016. This resulted in a meeting between Councillor Butland and senior members of the Conservative Party, including a Senior Conservative Regional Field Director appointed to act on her formal complaint to the Conservative Party about the level of bullying towards her by Councillor Butland. This included being harassed singled out and victimised on social media and in the local and regional press. At the meeting Councillor Butland said that with hindsight he regretted the phone call and would work to rehabilitate her back into the Conservative Group. This never happened and Councillor Butland continue to use his power over her, writing (for example) to Group members and regional members encouraging them not to vote for her in the national annual ballot for the Conservative Councillors National Board;

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- (s) with regard to the selection process for the County Council seats Councillor Butland appealed so the selection was rerun. She was selected for a different seat and Councillor Butland was selected for the seat she had originally been selected for;
- (t) she continued to be a Conservative Councillor between 2016 and 2019 despite a very difficult relationship between her and Councillor Butland who continued to be the Leader of the Group.
- (u) at one stage she was approached by Councillor Rory Love who was the Chair of the National Conservative Councillors' Board who had been told by Councillor Butland of her alleged fraudulent behaviour. Councillor Love commented that he considered Councillor Butland had not followed the correct process in advising other Conservative Party Members not to vote for her in the process of the national ballot and that she should watch her back. She found the advice from Councillor Rory Love, a friend and colleague, who was warning her that Councillor Butland was using his power over her to try and ruin her political journey. She felt as if Councillor Butland was stalking her and was using social media, emails and private meetings to try and destroy her political successes. Despite this for two years running she polled enough votes in the National Ballot to secure a seat on the Conservative Councillor Board;
- (v) this was clearly having an effect on her wellbeing. In the end her family recognised that the treatment she was receiving was having a detrimental effect on her health so she resigned from the Conservative Party and from the District Council;
- (w) when Freeths had finalised its report she was asked to attend a meeting of the Essex County Council Conservative Group Leaders. Councillor Butland was aware of the meeting but was not present. Minutes after the meeting she received a call from BBC Essex for a response. The meeting was confidential yet it was leaked;
- (x) during the period 2016 – 2019 inclusive it felt as though she was being stalked by Councillor Butland who was using his power and political positions to try and destroy her personally, politically and professionally;
- (y) the final part of her complaint related to Councillor Butland's conduct at a meeting of the Council on 16 December 2019. Whilst she was speaking Councillor Butland interrupted and said words to the effect "*I don't have to put up with this stupid type of thing*". When she stood and said that his behaviour was inappropriate Councillor Butland sat down and held above his head a copy of Freeths report into the complaint against her and said, "*I have been waiting 3 months for this*". She felt embarrassed, harassed, intimidated and publicly exposed. The behaviour was premeditated and the fact that Councillor Butland, who carried very little paper, had this document to hand exposed the fact that his priority was to make her his victim and for him to continue to publicly destroy her. This behaviour was a display of consistent behaviour by Councillor Butland, over a four year period, to victimise and intimidate her;

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- (z) in a four year period she made formal complaints to Essex County Council, Essex Police and the Conservative Party about Councillor Butland's bullying and victimised behaviour towards her. The Conservative Party assigned a regional field Director to support her to deal with the complaint process and measures were put in place;
- (aa) both the Conservative Party and Essex Police had written to say the behaviour of Councillor Butland towards her should sit more satisfactorily with the Council's Code of Conduct for Members and the Nolan Principles;
- (bb) during a four year period she has been singled out and verbally attacked by Councillor Butland. He used his positions of power to influence others, at all political levels, and by creating toxic stories, leaked to the radio and press and senior Conservative colleagues. He convinced them that she was an embarrassment to the Conservative Party. The two main investigation meetings took place at Causeway House. One colleague who attended referred to the meeting as "Brutal";
- (cc) until one Saturday morning in 2016, the day of the Essex County Council Selection Meeting, she held an Impeccable record at Braintree District Council locally, regionally and nationally in the Conservative Local Government family;
- (dd) during a four year period she found Councillor Butland's behaviour towards her to be quite extraordinary, making her the enemy and then attacking her. During a four year period she received letters from senior members of the Conservative Party saying she was treated badly and that members should be supporting her complaint against Councillor Butland's behaviour towards her which had been quoted as "Blue on Blue attack";
- (ee) during a four year period and due to the lack of support and duty of care from Councillor Butland and the consistent pressures by him to destroy her on all levels, personally, politically and professionally, she has been stripped of her duties at Braintree District Council and external bodies and paid in excess of £[REDACTED] on solicitors fees to support and protect her. This was an unacceptable level of support and protection that should have been provided by both the Conservative Party and Braintree District Council;
- (ff) she found that the natural rules of justice should apply to her four year complaint.

Caroline Burrows-Wren

4.24 Caroline Burrows-Wren was interviewed by Mr Tasker on 1 April 2020 from which a statement was prepared (attached at WC 6). Ms Burrows-Wren said:-

- (a) she was a former Director of Braintree District Community Foundation CIC. From November 2015 the Foundation had two Directors, her and Councillor Joanne Beavis. She resigned from the position in November 2017;

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- (b) in April 2018 she received correspondence from the District Council regarding a successful grant application submitted by the Foundation. She was concerned that the grant appeared to have been made in her name when she was no longer a Director of the Foundation;
- (c) as she was concerned about this she googled 'Leader of Braintree District Council' and obtained the contact details of Councillor Butland. She had no knowledge of Councillor Butland having never had any reason to deal with him. She sent an email to Councillor Butland on 14 April 2018 expressing her concern. Councillor Butland responded saying that he could not deal with the matter but would refer it to Ian Hunt;
- (d) after the initial email to Councillor Butland all contact between her and the Council was through Ian Hunt as Councillor Butland had made it clear that he could not deal with the matter. Sometime later she was contacted by Mr Stephen Pearson who was looking into the complaint on behalf of the Council;
- (e) the first time she met Councillor Butland was in June 2019 at the Volunteer Awards. This was over a year after she had contacted him with her concerns.

Councillor John McKee

4.25 Councillor McKee was interviewed by Mr Tasker on 1 April 2020 from which a statement was prepared (attached at WC 7). Councillor McKee said:-

- (a) he was an elected member of Braintree District Council having been first elected in May 2007. Prior to being appointed to serve on the Council's Cabinet in 2012 he was the Deputy Cabinet Member for Finance. Since 2012 he had held a number of Cabinet roles and currently held the portfolio for Corporate Transformation. Since 2018 he had had been the Chairman of the Braintree Conservative Association. In 2011 he was appointed by the Council as a Trustee of the Braintree District Museum Trust to help sort out their finances. Prior to retirement he was employed running finance teams most recently the UK team at SAS Data;
- (b) he was aware of an email sent by Ms Burrows-Wren and that it caused concern to Councillor Butland as it referred to what could appear to be an accidental or deliberate fraudulent grant application. Councillor Butland was concerned about the potential impact this could have on the reputation of the Council and the Conservative Group;
- (c) he attended a meeting in the Leader's Office at the Council offices on 15 June 2018 with Councillor Butland, Councillor Beavis and Councillor Dick Madden. He was present at the invitation of Councillor Butland, Councillor Beavis was accompanied by Councillor Madden, a member of Essex County Council. The purpose of the meeting was to give Councillor Beavis the opportunity to respond to the allegations in the email from Ms Burrows-Wren;

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- (d) the possible outcome could have been the suspension of Councillor Beavis from the Conservative Group pending the outcome of the investigation into the allegations. For what he believed to be logical reasons Councillor Butland decided not to take any action. He believed Councillor Butland had regard to the history of complaints made by Councillor Beavis and that any action he took would result in her making a complaint of bullying by him;
- (e) he knew that Councillor Butland was emotional during the meeting. Councillor Beavis continually challenged the issues raised in the email and denied the allegations made. At one point Councillor Madden, who was supporting her, took her outside of the room to have a private discussion with her. When they returned Councillor Beavis continued on the same tack until Councillor Madden intervened and said "*just read the paper*". To which she read a none committal statement;
- (f) in a private conversation with Councillor Madden and Councillor Butland after the meeting Councillor Madden said he couldn't understand why, with the evidence provided, she had not been suspended. Councillor Madden also couldn't understand why the matter had not been referred to the police as a potential case of fraud;
- (g) Councillor Butland was clearly distressed by the matter and concerned about the possibility of allegations being made against him. At no point during the meeting was Councillor Butland confrontational;
- (h) it was evident that Councillor Madden was frustrated by Councillor Beavis' conduct during the meeting. He believed that all Caroline Burrows-Wren wanted was an acknowledgement from Councillor Beavis that the grant application was inaccurate. Had that been forthcoming at that meeting he believed this could have been resolved satisfactorily.

Councillor Dick Madden

4.26 Councillor Madden was interviewed by Mr Tasker on 1 April 2020 from which a statement was prepared (attached at WC 8). Councillor Madden said:-

- (a) he was an elected member of Essex County Council having been first elected in June 2011. In May 2013 he was appointed to the County Council's Cabinet with responsibility for Children and Families, in May 2019 he took over as the Cabinet Member for Performance, Business Planning and Partnerships. Prior to retirement he was an officer in Essex Police achieving the rank of Chief Superintendent. He had known Councillor Butland since he was elected to the County Council in 2011 as Councillor Butland was also a County Councillor;
- (b) he asked to see Councillor Beavis in June 2018 in his capacity as Chief Whip for the Conservative Group on the County Council, the Whip having responsibility for party discipline, conduct etc. The complaint against her had come to their attention and they wanted to discuss the matter with her from the County Council's perspective. At this meeting Councillor Beavis asked if he would accompany her to a meeting at the District Council, that was 15 June 2018;

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- (c) he explained to Councillor Beavis how the meeting should go and that she should restrict her comments to making a statement. They attended the meeting which had been called by Councillor Butland as Leader of the Conservative Group on the District Council; who was also Leader of the Council. Also in attendance was District Councillor John McKee supporting Councillor Butland;
- (d) once the meeting commenced Councillor Beavis continued to stray from her statement. He asked permission that the meeting be adjourned whilst he had the opportunity to speak to Councillor Beavis outside the meeting room. He took her out and told her that she should focus on the short statement. When they returned to the meeting she did generally keep to the agreed statement;
- (e) the meeting was properly conducted, and it was clearly explained that they were dealing with the matter in respect of the Braintree Council Conservative Group. It was also explained that the actual complaint was being dealt with by the Council's Monitoring Officer. The outcome of the meeting was that no further action would be taken. This was fully explained to Councillor Beavis;
- (f) in his opinion Councillor Beavis needed to take the advice that was being offered to her;
- (g) the meeting was not confrontational, in fact he thought it was very constructive. There was definitely no intimidation or bullying. Clearly Councillor Beavis found the situation emotional but that was not due to the conduct of those at the meeting;
- (h) at the conclusion of the meeting Councillor Butland stated he did not intend to withdraw the Conservative Whip or take any other action against Councillor Beavis until the outcome of the Council's Monitoring Officer's findings were known;
- (i) after the meeting he prepared a report for the Leader of the County Council.

Councillor Wendy Schmitt

4.27 Councillor Schmitt was interviewed by Mr Tasker on 2 April 2020 from which a statement was prepared (attached at WC 9). Councillor Schmitt said:-

- (a) she was an elected member of Braintree District Council having been first elected in 2004. She was previously involved in politics as a Councillor in the early 1970's. She had been a member of the Council's Cabinet since 2005 holding various roles currently being the Portfolio Holder for Environment and Place. She was Deputy Leader of the Council for six years;
- (b) the history of the breakdown in the relationship between Councillor Butland and Councillor Beavis goes back some years to about 2014. At the time the then Member of Parliament for the Braintree area resigned and Councillor Beavis and others had aspirations to be selected for the vacant seat;

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- (c) during the selection process for the prospective candidate there was extensive communication with Conservative Central Office by those aspiring to be selected for the seat. After much conflict locally the local Association was put into special measures and Central Office stepped in and took over the selection process. The atmosphere within the local association became very unpleasant. Councillor Butland found himself in the middle of the conflict as one of those who aspired to be selected for the seat wanted him to write to Central Office regarding the selection process which Councillor Butland declined to do;
- (d) things continued to deteriorate and when a new Council was elected in 2016 there was a group of Conservative Councillors, including Councillor Beavis, who thought they could run the Council better than the current leadership. These Councillors began a campaign to gain support for a leadership challenge. In doing so they engaged in activity that was in breach of the Conservative Group's rules;
- (e) at this time Councillor Butland had already been elected as Leader of the Group but due to the challenge he decided to stand down to allow another election to take place. Councillor Butland was duly re-elected as leader of the Group;
- (f) as those challenging the leadership had engaged in activity which was in breach of the Group's rules a meeting was called to interview three of the Councillors who had been involved in the challenge. This meeting was held in 2017;
- (g) at the time she was Deputy Leader of the Group (and of the Council) and together with Councillor Tattersley, who was the Group Whip, they interviewed the three Councillors. Councillor Beavis was the first to be interviewed. She was aware that Councillor Beavis had recently been unwell so she began by asking her if she was well enough to continue with the interview. Councillor Beavis assured them she was;
- (h) when Councillor Beavis was asked if she was aware that the activity they had been engaged in was contrary to the Group Rules, she responded by saying that she had had a telephone conversation with one of the others regarding a specific rule and so she made sure that she only spoke on general matters. Councillor Beavis said that she was not involved with the invitations. When the other parties were interviewed it was put to them what Councillor Beavis had said. Their reaction was one of outrage that their colleague had dropped them in it without any warning;
- (i) for some time prior to these incidents she had been aware of Councillor Beavis' political ambitions and at times had been concerned for her. At meetings Councillor Beavis often made long rambling speeches and she noticed that opposition Councillors would sometimes openly laugh at her. She tried to help, even inviting Councillor Beavis to her home on one occasion to try to provide some advice and guidance. She suggested training in public speaking which she was prepared to arrange. Councillor Beavis declined her help;
- (j) there was also conflict between Councillor Beavis and Councillor Butland during 2016 over the selection for the County Council

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elections to be held in 2017. She knew that there was competition for some of the seats. She reluctantly allowed her name to be put forward as a paper candidate to ensure all seats were contested. Councillor Butland was at the time the County Councillor for Braintree Town Division which had seen a decline in the conservative vote over previous elections. His preference was a seat that had now become vacant as this was part of his District Council Ward;

- (k) the result of the selection was that Councillor Beavis was selected for the seat Councillor Butland wanted. She knew Councillor Butland was upset by this decision as the interview had not been conducted correctly under Party Rules and that he had telephoned Councillor Beavis to ask her if they could exchange seats. This contributed to the breakdown of the relationship;
- (l) over time Councillor Beavis' conduct became more problematic as she interfered in the Portfolios of other Cabinet Members and in the Wards of other Councillors. It got to the stage where other Members of the Cabinet felt they could no longer work with Councillor Beavis, this resulted in her being removed from the Cabinet;
- (m) she worked with Councillor Butland for many years as a Cabinet Member and found him to be a very good Leader. He allowed the Cabinet Members to get on with their responsibilities with little interference. If anything went wrong his first reaction was to ask officers if there was a problem rather than apportioning blame. On occasion she had a difference of opinion with him, in particular if she was being the devil's advocate. His reaction was always positive in that he would listen to ideas and discuss, he may not agree, but she always found it amicable;
- (n) with regard to the complaint submitted by Ms Burrows-Wren she was made aware of this by Councillor Butland in a private conversation following one of the weekly meetings of Cabinet Members and officers. At the time she was Deputy Leader of the Council, one of Councillor Butland's strengths was keeping her, as his Deputy, fully informed;
- (o) Councillor Butland asked her if the name Burrows-Wren meant anything to her. She said, *"yes it's the lady who set up something with Jo [Councillor Beavis] there was a picture in the paper"*. He then showed her correspondence that he had received. It indicated that a Councillor Community Grant that Councillor Beavis had applied for may not have reflected true facts and that if so it should not have been granted. He said he was concerned about some bank statements he had also received which showed transactions that did not appear to be relevant to the account, such as supermarkets etc. He asked if I knew what Pandora and other outlets were. I explained these were ladies clothing suppliers. There was also a payment for a spa resort;
- (p) Councillor Butland then informed her that he was not going to *"touch this with a barge pole"* and was going to pass it to the Council's Monitoring Officer for investigation.

Councillor Peter Tattersley

4.28 Councillor Tattersley was interviewed by Mr Tasker on 2 April 2020 from which a statement was prepared (attached at WC 10). In the interview Councillor Tattersley said:-

- (a) he was an elected member of Braintree District Council having been first elected in May 2011. He served as the Deputy Cabinet Member to Councillor Beavis until 2016 when Councillor Beavis was removed from the Cabinet. He then took over the role of Cabinet Member for Health and Communities. In 2019 this became Health and Wellbeing. Until retirement in 2006 he was employed by Braintree District Council as Director of Operations;
- (b) on 15 July 2016 he attended a meeting called by Councillor Butland who was the Leader of the Conservative Group and Leader of the Council. The meeting was about a telephone call between Councillor Butland and Councillor Beavis which had taken place after a selection meeting for prospective Conservative candidates for the County Council elections to be held in 2017. He was present as a witness and to support Councillor Beavis, also present was Councillor Lady Newton who was invited by Councillor Butland;
- (c) Councillor Beavis was upset by the telephone call from Councillor Butland as she thought he was being unreasonable and difficult when he asked her to let him have the seat she had been selected for. He knew Councillor Beavis had ambitions to become a full-time politician. This led to a fall out between Councillor Beavis and Councillor Butland. Councillor Butland decided he could not work with her so, as Leader of the Council, he removed her from the Cabinet;
- (d) he thought the meeting was well conducted, Councillor Butland was very well prepared and quite amicable. Councillor Butland's presentation was very measured and factual. Councillor Butland produced copies of emails that Councillor Beavis had sent to various people, Councillor Butland corrected some of the assertions she had made in those emails. Councillor Butland's analysis of the situation was very forensic and followed a structured approach. There was no shouting or raised voices from either party;
- (e) after the meeting he went to the pub with Councillor Beavis he thought at the time she was more irritated than angry although he thought the implications of the decision hit her some time after. However, things moved on and he took over the Cabinet Portfolio;
- (f) the second meeting he was involved in was held on 14 September 2017. This was a disciplinary meeting following an incident when Councillor Beavis, and other Councillors, attended a garden party and discussed issues with others outside of the Party;
- (g) Councillor Butland was not involved in this meeting, hearing the disciplinary issues with him was Councillor Schmitt. He understood that Councillor Beavis felt aggrieved that she had been disciplined by

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the Conservative Party over the matter and that she might have viewed this as bullying by implication rather than direct bullying;

- (h) Councillor Beavis felt that she had been most severely dealt with; however, her treatment was no different to that of another Councillor which he was involved in at a similar meeting in October 2017. At this meeting he attended as the Chief Whip together with Councillor Butland. In both cases normal Party procedures were followed;
- (i) he had a lot of time for Councillor Beavis, she was, and is, a good Councillor and they worked well together when he was her Deputy Cabinet Member. Councillor Butland was a strong but good Leader of the Council. Councillor Beavis, in his opinion, was used to getting her own way and found it difficult to be told what to do;
- (j) at times Councillor Butland could be blunt, he had a very good recall of facts and figures and could present matters in a reasoned and concise manner. He never witnessed conduct from Councillor Butland that was anything other than what was expected in a political forum;
- (k) he thought Councillor Beavis felt aggrieved when Councillor Butland reported to the Council that she had been removed from the Cabinet. She was clearly upset and aggrieved by the selection process in 2016.

Lady Patricia Newton

4.29 Lady Newton was interviewed by Mr Tasker on 2 April 2020 from which a statement was prepared (attached at WC 11). In the interview Lady Newton said:-

- (a) she was an elected member of Braintree District Council between May 2003 and May 2019. She also served as a Councillor between 1979 and 1991. In recent years she served on the Council's Cabinet holding a number of different portfolios most recently being the Cabinet Member for Planning and Development. She served as Chairman of the Council for 2 years;
- (b) in June 2016 she attended a meeting called by Councillor Butland who was the Leader of the Conservative Group and Leader of the Council. The purpose of the meeting was to discuss Councillor Beavis' conduct. She was present at the invitation of Councillor Butland, also present was Councillor Beavis who was accompanied by Councillor Tattersley;
- (c) the meeting was very structured. Councillor Butland set out his position and explained the areas of Councillor Beavis' conduct that were causing him concern. This related to allegations Councillor Beavis had been making about Councillor Butland. Councillor Butland supported his statements with evidence contained in emails sent by Councillor Beavis to various individuals. These were put to Councillor Beavis who was invited to comment. Councillor Beavis was unable to deny the central issue which was that she had shared certain information with individuals outside of the Conservative Group and outside the Council. It was evident that Councillor Beavis found the meeting uncomfortable but she was given plenty of time to respond to the issues raised;

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- (d) during the meeting she and Councillor Tattersley simply observed. At no time during the meeting did Councillor Butland raise his voice, nor was he aggressive. Councillor Butland was extremely polite, professional but persistent. This was consistent with Councillor Butland's normal manner. She thought at the time Councillor Butland was unbelievably fair in light of the matter being considered;
- (e) during her time serving on the Council's Cabinet whilst Councillor Butland was the Leader of the Council she believed they had a good working relationship. There were times when they disagreed on issues. She recalled two occasions when she was disappointed with how Councillor Butland dealt with something, however she was able to challenge him and he respected her opinion;
- (f) she often thought '*is Councillor Beavis just naïve?*' as she appeared to lack an understanding of the workings of the Council and the role of Councillor. Councillor Beavis had conflicted interests and could not see the boundaries between her outside interests and her role as a councillor;
- (g) she never had reason to think that Councillor Butland had acted in a bullying or aggressive manner during her association with him.

Andy Wright

4.30 Andy Wright provided a detailed statement (attached at WC 12). In the statement Mr Wright said:-

- (a) he was the Chief Executive of Braintree District Council, a position he had held since February 2018. He was a Director on the Council's Senior Management Team for 5 years until the former Chief Executive left in June 2017 when he was appointed as the Acting Chief Executive. Prior to joining the Council he was employed at a number of District Councils specialising in leisure and community and economic development;
- (b) in April 2018 he received an email forwarded by the Leader of the Council, Councillor Butland. The original email was from Caroline Burrows-Wren and was dated 14 April 2018, this was a Saturday. He received the email and immediately forwarded it to the Council's Monitoring Officer, Ian Hunt, as it was a complaint about the Council and the conduct of a Councillor;
- (c) Ms Burrows-Wren raised concerns about a grant application that had been submitted to the Council by Councillor Beavis. Ms Burrows-Wren had been a co-director with Councillor Beavis of Braintree District Community Foundation CIC but had resigned as a director in November 2017. She was concerned that her name had been used on the grant application which was submitted after she had resigned;
- (d) after this he had limited involvement in the matter as it was being dealt with by Ian Hunt as the proper officer for such matters. After initial enquiries Ian Hunt appointed an external firm of Solicitors to carry out an investigation as there was evidence that the alleged conduct may

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have included a breach of the Council's Code of Conduct by Councillor Beavis;

- (e) during the course of normal Council business he had a weekly meeting with Councillor Butland as Leader of the Council. The issues raised by Ms Burrows-Wren were never a formal matter for discussion at these meetings however, on occasion Councillor Butland would enquire about progress. He never took this to be any attempt by Councillor Butland to put pressure on officers but was the natural concern of a Leader when the complaint was against a Member of his group;
- (f) he had no direct involvement with the investigation of the complaint or any formal contact with Councillor Butland regarding the matter, he was aware that Councillor Butland was at times frustrated by what he considered to be delays. He understood Councillor Butland believed these to be caused by Councillor Beavis attempting to avoid the matter;
- (g) the external solicitors finalised their report towards the end of 2018. Before the Monitoring Officer could deal with the report and refer it to a meeting of the Standards Committee Councillor Beavis resigned. This put an end to the process. Councillor Beavis was re-elected to the Council in May 2019. The matter was never formally raised following her re-election;
- (h) there was an incident at the Council meeting in December 2019 about which Councillor Beavis submitted a further complaint. This was when Councillor Beavis was speaking, Councillor Butland held a copy of the report produced by the solicitors into the earlier complaint against Councillor Beavis;
- (i) he confirmed that he saw the incident. Following this the Leader of the Green and Independent Group raised concerns about Councillor Butland's conduct at the meeting which he passed onto the Monitoring Officer.

Ian Hunt

4.31 Ian Hunt was interviewed by Mr Tasker on 1 April 2020 from which a statement was prepared (attached at WC 13). In the interview Mr Hunt said:-

- (a) he was a qualified Solicitor and had worked in Local Government since 2002. From 2013 to February 2020 he was employed by Braintree District Council and held the statutory position of Monitoring Officer. He was now employed by Thurrock Council as Assistant Director of Law and Governance and also held the statutory position of Monitoring Officer for the Council;
- (b) in April 2018 he received an email from the Council's Chief Executive which had been forwarded to him by Councillor Butland. The original email was from Caroline Burrows-Wren and was dated 14 April 2018, this was a Saturday. He received the email and responded to Ms Burrows-Wren on the Monday;

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- (c) the email contained information about a grant application to the Council submitted on behalf of Braintree District Community Foundation CIC. Ms Burrows-Wren raised concerns regarding the use of her name on the application when she had resigned as a Director of the Foundation in November 2018. Councillor Beavis was the only remaining Director of the Foundation when the grant application was submitted;
- (d) after considering the content of the email he first contacted Ms Burrows-Wren to clarify some of the details. His initial decision was to treat the allegations as a corporate matter rather than a standards complaint. This was because it related to the award of a grant by the Council;
- (e) he had further discussions with Ms Burrows-Wren before discussing the matter with Councillor Beavis. The purpose of his discussion with Councillor Beavis was to establish whether she accepted the information set out in the email; that was that Ms Burrows-Wren had resigned as a Director of the Foundation and should not have been included on the application for the grant. Councillor Beavis' reaction was that it was all Ms Burrows-Wren's fault as she had not properly resigned as a Director;
- (f) he then discussed this with the Chief Executive and decided that the matter should be considered as a standards complaint, to enable a formal consideration of the facts and potential code issues, and Councillor Beavis had completed the form in both her capacity of Director of the CIC and Councillor. Councillor Butland was aware of that decision but had no part in the consideration of the matter;
- (g) due to the nature of the complaint, knowledge of the history between Councillor Butland and Councillor Beavis, and the lack of capacity within the Council to carry out an investigation, it was decided to appoint an external, independent investigator. Freeths Solicitors were selected following a competitive tendering process. The investigation was carried out by Stephen Pearson a Partner at Freeths;
- (h) Councillor Butland was aware of the decision to appoint an external investigator but had no part in the selection or appointment of Freeths;
- (i) throughout the period of the investigation Councillor Butland did regularly enquire of him or the Chief Executive on progress. Councillor Butland was not seeking any particular outcome but was concerned that the matter should be resolved. Also that as Group Leader the matter should be resolved for the benefit of Councillor Beavis who was a member of his Group;
- (j) Councillor Butland's concern was that the matter should be investigated properly and resolved expeditiously so there was certainty for all concerned. Councillor Butland was also mindful that whatever the outcome the Council should be able to withstand scrutiny after the event. Councillor Butland wanted a certain outcome not a half-hearted look at the complaint, on occasions he explicitly stated he was not setting an expectation as to the result;

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- (k) during the investigation Councillor Butland did become irked at what he thought was Councillor Beavis' attempts to delay the investigation. Despite this there was no instruction from Councillor Butland to take any form of action;
- (l) whilst not directly relevant to the investigation undertaken by Freeths, he was aware, Councillor Butland was concerned about the financial details relating to the Foundation. Councillor Butland was particularly concerned about some of the bank transactions detailed on bank statements provided by Ms Burrows-Wren. However, Councillor Butland considered this was not a matter for the Council. That said, Councillor Butland was concerned that it should not be brushed under the carpet as there were wider issues involved, but this was not a matter for the Council and therefore Councillor Butland did not provide the details to him or the Council;
- (m) Ms Burrows-Wren referred both the complaint about the grant application and the wider financial matters to Fraud Action. His advice to the Chief Executive and Councillor Butland was that there was no clear evidence of fraudulent activity, but if there was, he did not think the evidence met the CPS test for prosecution. However, in view of the circumstances, he prepared a report expressing his opinion that there was no evidence of fraud, this was submitted to Action Fraud principally to ensure that they had relevant contact details given the Councils involvement;
- (n) with regard to the meeting of the Council held on 16 December 2019, he was present. The incident referred to by Councillor Beavis occurred during the item on Questions to the Leader. Councillor Beavis asked a question to which the Leader responded. Councillor Beavis then started to ask a supplementary question during which she appeared to splutter and stop. At the time he was making notes so did not see what caused this or the action of Councillor Butland. He understood from a colleague who was also present that Councillor Butland did hold up a document which had the same front cover as the investigation report produced by Freeths. There was a short sequence of comments following this between both Councillors which he interpreted as being a reference to the complaints process, given the background he was aware of;
- (o) if, as it appeared, Councillor Butland held up this document it had no reference to the meeting or the question being raised by Councillor Beavis, He considered that it was certainly unnecessary and ungentlemanly conduct.

Stephen Pearson

4.32 Stephen Pearson was interviewed by Mr Tasker on 1 April 2020 from which a statement was prepared (attached at WC 14). In the interview Mr Pearson said:-

- (a) he had been a Partner at Freeths Solicitors for 15 years. After qualifying as a solicitor at Nottinghamshire County Council he held a number of positions in Local Government and in the private sector. He

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had a Diploma in Local Government Law. He also served as a Parish Councillor;

- (b) he was instructed by the then Monitoring Officer, Ian Hunt, in August 2018 to investigate a complaint submitted by Caroline Burrows-Wren regarding a grant application made by Councillor Beavis. Ms Burrows-Wren and Councillor Beavis had both been Directors of the same company, Braintree District Community Foundation CIC;
- (c) during his investigation he had no contact at all with Councillor Butland. He was aware from comments made to him during the investigation that Councillor Butland and Councillor Beavis were not on the best of terms despite being in the same political group. He did not enquire further about their relationship as it had no bearing or influence on the conduct of his investigation;
- (d) he was aware that Caroline Burrows-Wren had emailed the initial complaint to Councillor Butland who had immediately forwarded the email to the Council's Monitoring Officer. He considered this to be the appropriate action by Councillor Butland. As Councillor Butland was not involved in the complaint he saw no need to contact him during the investigation;
- (e) during the investigation his dealings with the Council were through Ian Hunt, the Monitoring Officer. There was nothing in his dealings with the Monitoring Officer which suggested to him that he was under any pressure or being influenced by anybody regarding how the investigation was progressing;
- (f) he considered the matter was dealt with by the Council in an appropriate manner. As the complaint had the potential to be a high profile matter involving the Leader of the Council and a senior Councillor the Monitoring Officer was sensible, in his opinion, to engage an external independent investigator;
- (g) from his contact with the complainant, Caroline Burrows-Wren, it was clear that she took the matter seriously and was very upset that her name had been used by Councillor Beavis on the grant application. He believed she felt the Council's response to her concerns was an appropriate way to deal with the matter;
- (h) at the conclusion of the investigation a report was produced for the Monitoring Officer. The report and its conclusions were not influenced by anybody other than him.

Nigel McCrea

4.33 Mr McCrea was interviewed by Mr Tasker on 1 April 2020 from which a statement was prepared (attached at WC 15). In the interview Mr McCrea said:-

- (a) he was an elected member of Braintree District Council between May 2003 and 2011. He was Chairman of the Braintree Conservative Association from 2015 to 2018 and was the current Treasurer of the Association. Until retirement he was employed at senior management

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level for over 20 years most recently as managing director of an international pet food company. He had known Councillor Butland since he was elected to the District Council in 2003;

- (b) he invited Councillor Butland and Councillor Beavis to a meeting at his house which was held in November 2016 to try to resolve a matter that started in June 2016;
- (c) on 26 June 2016 he chaired the selection panel of potential candidates for the forthcoming Essex County Council elections. Both Councillor Butland and Councillor Beavis were interviewed as part of the selection process. Both of them were successful although Councillor Beavis was selected for the area that Councillor Butland wanted to stand in;
- (d) he was aware that Councillor Butland telephoned Councillor Beavis regarding the selection. He suspected that Councillor Butland was quite forceful during the telephone conversation which may have been seen by Councillor Beavis as bullying;
- (e) as the situation had been ongoing for about four months with little sign of being resolved he decided, as Chairman of the Association, to invite them to his house to bring them together. At the meeting both Councillor Butland and Councillor Beavis admitted that the reaction had been a bit strong. Councillor Beavis acknowledged that she had not raised her concerns in the proper way by involving others outside the local Association. Councillor Butland apologised for his actions;
- (f) Councillor Beavis also apologised and undertook not to react in the same manner in the future. He recalled that the meeting ended with Councillor Beavis putting her arm round Councillor Butland and saying something like *"I'm glad this is all over Graham"*;
- (g) Councillor Beavis was quite ambitious and was good at self-publicity. It appeared at times that to achieve her ambitions or to overcome opposition she thought the solution was to cry bullying;
- (h) Councillor Beavis left the Conservative Party when there were allegations against her of inappropriate use of funds;
- (i) he believed that at times Councillor Butland tried hard not to come across as being too forceful. He knew that during the investigation of the complaint against Councillor Beavis, Councillor Butland stood back and took no part in the process;
- (j) he had never witnessed bullying behaviour by Councillor Butland which he was sure he would recognise having witnessed bullying during his professional career.

Councillor Butland

- 4.34 Councillor Butland was interviewed by Mr Tasker on 2 April 2020 from which contemporaneous notes were made (attached at WC 16). In the interview Councillor Butland said:-

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- (a) he had been a member of Braintree District Council May 2003. He became Leader of the Council in 2004, a position he had held since then;
- (b) he explained that his involvement with the complaint against Councillor Beavis was limited. It commenced when he received an email from Caroline Burrows-Wren on 14 April 2018. The email contained information about a grant application submitted to the Council by Councillor Beavis. Ms Burrows-Wren became aware of the grant application when she received communication from the Council indicating that the application had been successful. She was surprised to receive the communication as in November 2017 she had resigned from the position of Director of the organisation to which the grant had been awarded. Ms Burrows-Wren was worried about her name being used on the grant application. At this stage he did not know Ms Burrows-Wren, he had never communicated with her;
- (c) he responded to Ms Burrows-Wren acknowledging receipt of the email. The same day he emailed Councillor Schmitt, the Deputy Leader of the Council (and Conservative Group) and Councillor Tattersley, the Group Whip with details of the email from Ms Burrows-Wren. He transferred the email from his Council email account to his private account. At this stage he said he was inclined to refer the matter to the Council's Chief Executive, which was agreed by Councillors Schmitt and Tattersley;
- (d) he forwarded the email to the Chief Executive on the same day as he received it. He acknowledged that he had occasional conversations with the Chief Executive about the matter whilst the complaint was being investigated as he was concerned about how long it was taking;
- (e) in the meantime, Ms Burrows-Wren received what she considered to be threatening emails and telephone calls from Councillor Beavis. Ms Burrows-Wren also received three telephone calls from Councillor Howard Rolfe (Leader of Uttlesford District Council) who also tried to contact her by text message;
- (f) Ms Burrows-Wren was accused by Councillor Beavis of disclosing information to the press about the matter. Ms Burrows-Wren received written confirmation from the press that it was not her who had provided the information. He did not contact the press although with hindsight he thought he should have done to also have it confirmed that it was not him who had disclosed any information to them;
- (g) during the process of the investigation he received permission from Ms Burrows-Wren to share the information contained in the original email. He considered he had to share the information with the Leader of Essex County Council as Councillor Beavis was a County Councillor and a member of the County Council Conservative Group;
- (h) in August 2018 he received an email from Ms Burrows-Wren indicating that she was considering referring the matter to the Police. He suggested to her that she should await the outcome of the Council's investigation before taking any further action;

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- (i) in November or December 2018, the Council's investigation was eventually concluded and a report was produced by Stephen Pearson. He did not know who Stephen Pearson was, he had never met him. Ms Burrows-Wren rang him whilst he was driving to inform him that she had a copy of the report, he had not seen the report. Ms Burrows-Wren asked him if he wanted to know what it said. He asked her if the report had any embargo or any indication she should not share the content, she stated that it did not. As he was driving he said to just tell him the outcome. Ms Burrows-Wren read paragraphs 8.1 and 8.2 of the report to him. He was surprised at how blunt the conclusion was;
- (j) he did not receive a copy of the report at any stage during the investigation. Several weeks after the telephone call from Ms Burrows-Wren he asked officers at the Council if he was entitled to see a copy of the report. The report was eventually issued and would have been reported to the Standards Committee but Councillor Beavis resigned from the Council which stopped the process as there was nothing the Council could do once she ceased to be a Councillor;
- (k) other than that, he had no involvement with or input into how the complaint submitted by Ms Burrows-Wren had been handled by the Council or indeed the subsequent investigation. He had not met Councillor Beavis in a one to one situation for years as he was not prepared to put himself in a position which could give her the opportunity to make unfounded allegations against him without other witnesses;
- (l) when asked about Councillor Beavis' allegation that he had denied all knowledge of the complaint Councillor Butland explained that this related to a message he received from Councillor Beavis whilst he was in Norfolk with his grandchildren. The message was about something in the press relating to the complaint. His denial was that as he was away he had not seen what was in the press which Councillor Beavis was referring to. He provided copies of the emails;
- (m) with regard to the allegation of bullying during a period of three years as a Member of the Conservative Party, he believed this was a Party matter not a Council matter and therefore not subject to the Council's Code of Conduct. Nevertheless, he thought this was a reference to the start of a breakdown of the relationship between him and Councillor Beavis who was a Member of his Cabinet;
- (n) in 2016 the Conservative Party was selecting prospective candidates for the County Council elections to be held in May 2017. Both he and Councillor Beavis were interviewed by Party officials from the local association. The outcome was that Councillor Beavis was selected to stand in the seat that he wished to stand in. After the selection he telephoned Councillor Beavis to discuss swapping seats. He described that call as robust on both sides but emphasised it was not him who used foul and abusive language;
- (o) after this he was aware that Councillor Beavis was talking to people about him and making unfounded allegations. This resulted in him engaging a solicitor to try to resolve the conflict. Councillor Beavis denied any inappropriate behaviour or that she had spoken to anybody.

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He had copies of emails and texts she had sent, as well as third party statements, which showed that she had been making unfounded allegations about him;

- (p) in response to this, in June 2016 he invited Councillor Beavis to a meeting to discuss her behaviour. The meeting was attended by him accompanied by Councillor Lady Newton and Councillor Beavis accompanied by Councillor Tattersley. At the meeting Councillor Beavis denied making allegations about him, confirming her written denial in a previous email to Councillor Butland. When he produced copies of emails and screen shots of texts she had sent she went quiet. At the meeting Councillor Butland stated that there was clearly a lack of trust between the pair of them and as a result he would be removing her from the Braintree District Council Cabinet;
- (q) the difficulties continued until November 2016 when the local Conservative Party dealt with the matter. Councillor Butland and Councillor Beavis were invited to a meeting at the home of the Conservative Party Chairman, Nigel McCrea, to try to resolve the differences between them. The outcome of that meeting was that both he and Councillor Beavis signed an agreement in which they both agreed that they were satisfied with the outcome of the meeting. As they left Councillor Beavis put her arms around him. He provided a copy of the agreement signed by both parties;
- (r) in October 2017 Councillor Beavis was involved in a challenge to his leadership of the Conservative Group. He did not want a period of infighting to continue for 6-7 months so decided to resign as Leader to facilitate an election. He indicated he was prepared to stand again if anyone wished to nominate him. He was nominated and re-elected as Leader of the Group by 34 votes to 9. Following complaints from other members about the actions of Councillor Beavis and two other Conservative Councillors, it was agreed that, under the Conservative Group rules, a disciplinary investigation would be held. The rules empowered the Group Leader to carry out any such investigation. He decided that given the situation between Councillor Beavis and himself he would not participate in the investigation and appointed the Deputy Leader to carry it out;
- (s) in 2018, when it was confirmed that the complaint by Ms Burrows-Wren against Councillor Beavis would be investigated he felt as Group Leader he needed to consider whether any action should be taken. He wrote to Councillor Beavis as the Group Leader suggesting a meeting to hear her comments on the matter. Councillor Beavis responded saying the dates he had provided were not suitable but that she was available on 15 June 2018. He re-arranged his diary for that date to facilitate the meeting. At the meeting he was accompanied by Councillor John McKee. Councillor Beavis was accompanied by Councillor Dick Madden (Conservative Chief Whip at Essex County Council). The purpose of the meeting was to consider what effect the allegations made by Ms Burrows-Wren might have on Councillor Beavis' position in the Group, it was not to investigate the allegations;

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- (t) one item which had no relevance to the Council related to bank statements of one of the Community Interest Companies that Councillor Beavis was a Director of. These statements identified payments which did not appear to relate to the business of the organisation. He stated that he did not feel that this was a matter for investigation by Braintree District Council. His concern at this stage was that the conduct of Councillor Beavis should not bring the Conservative Group into disrepute and whether she should be suspended from the Group pending the outcome of the Council's investigation. He decided that he would not suspend Councillor Beavis pending the outcome of any enquiry. He advised her not to draw people in to the issue and not to contact Ms Burrows-Wren. He was aware that Councillor Rolfe had been contacting Ms Burrows-Wren on her behalf;
- (u) in a private discussion immediately after the meeting Councillor Madden asked him why he was not reporting Councillor Beavis to the Police. He told Councillor Madden that Councillor Beavis had been making complaints against him since 2016 and was mindful that if he did so it would probably lead to further complaints;
- (v) after the meeting he wrote to Councillor Beavis informing her that no action regarding the alleged fraudulent Grant application would be taken pending the outcome of the Council's investigation. There had been a number of occasions during this period where he had reasonable justification to take action over the conduct of Councillor Beavis but he had resisted;
- (w) in February 2019 he received a letter from Councillor Beavis stating that she was resigning from the Council to devote more time to the community shop. This put an end to the consideration of the report. On 26 February 2019 Mrs Beavis submitted a complaint about him;
- (x) in the meantime (possibly 13 February 2019) Councillor Madden referred the grant application and the payments from the bank to Essex Police. On 28 February he received a letter from Essex Police. He was not aware why he had received the letter other than it said the Police would not be investigating the matter and that it should be dealt by the Council. He responded to the Police setting out his concern that the Council was not in a position to do anything as Mrs Beavis was no longer a Councillor. The Police response was that Mrs Beavis was still an Essex County Councillor and the grant money had been used as intended;
- (y) he spoke to the Council's Chief Executive about the outcome as he was not happy as the complainant had not received a satisfactory answer to her complaint;
- (z) there was a report in the Halstead Gazette, in March 2019, under a heading 'Police confirm no criminal probe into councillor'. In the article a number of quotes were attributed to Mrs Beavis or Councillor Beavis (still being a County Councillor). These included the following statement *"Mrs Beavis has since made a complaint to the Conservative Party, Essex Police and Braintree District Council against a serving*

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Braintree district councillor over alleged inappropriate behaviour.” He felt that this statement referred to him;

- (aa) at a meeting of the Conservative Group in March 2019 he informed the Group that he believed that the reference in the press to a Councillor being investigated was a reference to him as Mrs Beavis had submitted a complaint about him on 26 February. He informed the members of the Group that he felt that the allegations made by Mrs Beavis were of such a serious nature that he had written to the Council’s Chief Executive referring himself to the Standards Committee and that, given his position as Council Leader, there should be an independent inquiry;
- (bb) in May 2019 Councillor Beavis was re-elected to the District Council as an Independent;
- (cc) Councillor Beavis submitted a further complaint against him following a meeting of the Council held on 16 December 2019. A webcast of the meeting could be viewed on the Council’s website. At the meeting Councillor Beavis was speaking. Whilst she was speaking he held a copy of the report produced by Freeths following the complaint against her. He did not hold it up or wave it about; he simply held it on the desk. It was clear Councillor Beavis could see the front of the report although not many of the others present would have been able to see what it was;
- (dd) he explained that the reason he did this was frustration. The report was a public document that had been produced for the Council. Councillor Beavis had used the system by resigning from the Council before the report could be considered in an appropriate manner to avoid being answerable for her actions;
- (ee) whilst he did not object to matters that had taken place prior to Mrs Burrows-Wren submitting her complaint being referred to, they had been dealt with by the Conservative Party. He felt that as regards the current inquiry it should be confined to the issues surrounding the complaint by Ms Burrows-Wren. He considered he had dealt with the complaint from Ms Burrows-Wren appropriately by referring it to the Council’s Chief Executive and informing the Conservative Group Officers. He had never put himself in a position that would give Councillor Beavis any justification to make allegations that he had bullied her. He said that his decisions not to participate in the Conservative Group disciplinary investigation into the actions of Councillor Beavis and, more particularly, his decision not to withdraw the Group Whip at the meeting in June 2018 were clear examples of a tolerant and non-bullying approach by him. He reiterated that he firmly denied inappropriately influencing the investigation, bullying and harassment of Mrs Beavis, “*stalking type behaviours*”, intimidation and victimisation, all of which were alleged by Mrs Beavis in her written complaint submitted to Braintree District Council.

5. Summary of the material facts

- 5.1 Councillor Graham Butland is a member of Braintree Town Council. He is Leader of the Conservative Group and Leader of the Council.
- 5.2 Both Councillor Butland and Councillor Beavis were elected to the Council in May 2003. Councillor Butland became Leader of the Council in 2004.
- 5.3 The Leader of the Council has the power to appoint councillors to serve on the Council's Cabinet. That power also extends to removing Councillors from Cabinet positions. Councillor Butland appointed Councillor Beavis to serve on the Cabinet in 2007.
- 5.4 On 26 June 2016 the Conservative Party undertook a selection process for potential candidates to stand in the Essex County Council elections to be held in May 2016. Both Councillor Butland and Councillor Beavis were interviewed as potential candidates.
- 5.5 Following the interviews both Councillor Beavis and Councillor Butland were informed that they had been selected as candidates and allocated an electoral division in which they would stand. Councillor Butland was aware that Councillor Beavis had been selected for the division which was his first preference. Later on the same day Councillor Butland telephoned Councillor Beavis to discuss swapping the divisions they had been selected for. The telephone call became heated.
- 5.6 The selection process was entirely a Conservative Party matter and had no relevance to either Councillors position as members of Braintree District Council. The Conservative Party resolved the matter and Councillor Butland was selected for the division which had been his first choice, Councillor Beavis was allocated a different division to stand in.
- 5.7 In June 2016 Councillor Butland invited Councillor Beavis to a meeting to discuss her conduct. Councillor Butland was accompanied by Councillor Lady Newton, Councillor Beavis was accompanied by Councillor Tattersley. After the meeting Councillor Butland removed Councillor Beavis from the Council's Cabinet.
- 5.8 Over the next few months the relationship between Councillor Beavis and Councillor Butland deteriorated. In November 2016 the Chairman of the Local Conservative Association, Nigel McCrea, invited both Councillors to his home to try to resolve the matter. An agreement was reached where each party apologised for their conduct and signed a document acknowledging their behaviour and agreeing to move forward.
- 5.9 In September 2017 a further meeting was held involving Councillor Beavis' and her alleged behaviour. This was a Conservative Party meeting. Councillor Butland was not involved in this meeting.
- 5.10 In March 2018 Councillor Beavis submitted a grant application to the Council for funding for the Braintree District Community Foundation CIC. Councillor Beavis was the Director of the CIC. The application included the details of

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another Director, Caroline Burrows-Wren. Ms Burrows-Wren had resigned as a Director in November 2017.

- 5.11 In April 2018 Ms Burrows-Wren received correspondence from the Council informing her that the grant application had been successful. As she was no longer a Director of the CIC she sent an email to Councillor Butland, as Leader of the Council, setting out her concerns.
- 5.12 Councillor Butland forwarded the email from Ms Burrows-Wren to the Council's Chief Executive, Andy Wright, who forwarded it to the Council's Monitoring Officer, Ian Hunt. The Monitoring Officer decided that the allegations in the email indicated that there was a possibility that the conduct of Councillor Beavis may have breached the Council's Code of Conduct. In August 2018 the matter was referred to an external firm of solicitors for investigation.
- 5.13 On 15 June 2018 Councillor Butland invited Councillor Beavis to a meeting to discuss the allegations in the email from Ms Burrows-Wren. The purpose of the meeting was to consider the implications of the complaint and how they may impact on the reputation of the Conservative Group. Others present were Councillor McKee and Councillor Madden a member of Essex County Council.
- 5.14 The outcome of the meeting was that the Conservative Group would not take any action against Councillor Beavis pending the outcome of the Monitoring Officer's investigation.
- 5.15 Between August and the end of 2018 the complaint was investigated by Stephen Pearson of Freeths Solicitors. A final report was provided to the Monitoring Officer. The finding in the report was that Councillor Beavis had failed to comply with the requirements of the Council's Code of Conduct.
- 5.16 Councillor Beavis resigned from the Conservative Party and the District Council on 1 February 2019. This was before the Council had the opportunity to consider the investigator's report and take any action in respect of the finding of a breach of the Code of Conduct.
- 5.17 On 26 February 2019 Mrs Beavis submitted a complaint to the Monitoring Officer regarding the conduct of Councillor Butland which is the subject of this report.
- 5.18 Councillor Beavis was re-elected to the Council in May 2019 as an Independent.
- 5.19 Both Councillor Butland and Councillor Beavis attended a meeting of the Council on 16 December 2019. During the meeting Councillor Beavis asked a question of Councillor Butland as Leader of the Council. The webcast of the meeting shows that after answering the question there was indistinct comments which seem to include Councillor Beavis asking another question. Councillor Butland can be heard to say "*Madam Chairman do I always have to have nonsense from the opposition?*"
- 5.20 Councillor Beavis submitted a further complaint to the Monitoring Officer on 18 December 2019 regarding Councillor Butland's conduct at that meeting.

6. Councillor Butland's and the complainant's additional submissions

- 6.1 The following comments were received from Councillor Beavis on the draft version of this report:-

"I will begin by thanking Braintree District Council (BDC) for instructing Wilkin Chapman to investigate my complaint and for Gill Thompson in completing her report.

Her work has been constrained by having to balance the evidence from a Council perspective and ignore anything that related to internal Conservative Party behaviour. The report also ignored any reference to the Nolan Principles of Public Life which is surprising.

The technique of taking repetitive testimonials on behalf of Cllr Butland (GB) and only the case file for myself has resulted in an unbalanced review. When I offered testimonials they were not accepted. There are currently outstanding complaints from two Councillors for GB's behaviour at the December 2019 Council meeting.

The bullying started in June 2016 when GB was not selected for the County Council seat that he wanted - his aggressive tone is admitted in the evidence. When I refused to accede to his demands I was stripped of my place in Cabinet and other associated positions. The excuse for this action in GB's evidence was that "he could no longer work with me", presumably for having the audacity for standing up to him. There are several comments in my case file that GB's actions were not surprising, he has a reputation for such behaviour and that they were unreasonable by any normal standard.

It is difficult to convey my feelings during the four years from 2016-20. I attended meetings connected to my dismissal, often the only woman, and was interrogated by men. Interrogation is a strong term but there is clear evidence that at times the tone was intimidating. Other meetings when my husband was present are not mentioned in the report. In four years GB destroyed my political life and reputation. If I had been able to submit testimonials one of them would have described the damage to my health and well-being.

I will not list all the points made in my case file but there is evidence that GB tried to prevent me from being successful in national elections and that he interfered in my case with BDC over a grant application (which is the subject of a further complaint and investigation but not mentioned in the report).

GB's behaviour and comments at the December 2019 Council meeting summed up the previous four years. Witnesses at the meeting saw GB put the report by Freeths (into my application for a Council grant) on to his head and comment that he had been waiting for this moment. This is not the behaviour of a mature political leader. It comes from a male who has bullied a younger and junior female colleague because she had the audacity to say no. In most other circumstances the outcome would have been clear, sadly in this instance the conflation of council and party has confused the situation.

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In the final instance, if the details of these four years become known it will be for the general public to pass judgement.

Appendix

My comments (as requested) on the last four years and the investigation summary are as stated above.

However, going forward, I hope that an amicable working relationship can be reached between myself and Cllr Butland as we move on as fellow Members of two Councils."

Response to comments received from Councillor Beavis.

- 6.2 The comments made by Councillor Beavis are noted. There are a number of observations we should make.
- 6.3 Firstly, we note that Councillor Beavis now recognises that the Code of Conduct applies to the conduct of a councillor when carrying out the role of a councillor and that this does not apply to matters pertaining to political parties. Hence our investigation concentrating on those instances when it might have been considered Councillor Butland was acting in an official capacity. Similarly the investigation was only into matters pertaining to the Code of Conduct and not the conduct of the Council which Councillor Beavis also complained about.
- 6.4 With regard to the individuals we interviewed, we carried out the investigation in accordance with our normal practice. That is, the complainant and the respondent councillor are invited at the beginning of the investigation to suggest individuals who may be able to provide evidence relevant to the investigation. Both individuals are also invited to submit any documentary evidence they consider relevant. In this case both individuals submitted documentary evidence, Councillor Butland also suggested we speak to a number of people who attended meetings which were referred to in councillor Beavis' complaint. As these witnesses included individuals who Councillor Beavis had asked to accompany her to the meetings, we considered we would obtain a fair and balanced view of the meetings.
- 6.5 We believe the other comments made by Councillor Beavis are dealt with in the report. There is nothing in these comments which have changed our conclusions in the report.
- 6.6 The following comments were received from Councillor Butland on the draft version of this report:-

"Thank you for your letter dated 19 June 2020 enclosing the Draft Report and Schedule of Evidence. I have been able to read through both documents except for Page 45 of the Schedule of Evidence. My reference to this page is because in the copy sent to me of this handwritten note is illegible. If you can obtain a copy which is legible, I would request that a copy is sent to me.

On the assumption that there is nothing of significant importance contained in the illegible document I am content with the report, which I consider to be both fair and correct.

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Yours sincerely

Graham Butland"

Response to comments received from Councillor Butland

- 6.7 Councillor Butland's comments are noted. With regard to the illegible document supplied by Councillor Beavis and included in the appendices a legible copy has been obtained and provided to Councillor Butland.

7. Reasoning as to whether there have been failures

- 7.1 The allegations referred for investigation relate to the conduct of Councillor Butland in respect of his dealing with a complaint submitted to him by Ms Burrows-Wren and allegations of bullying, intimidation and harassment over a four year period. A second complaint relates to conduct at a meeting of the Council held on 16 December 2019.

Capacity

- 7.2 Section 27(2) of the Localism Act 2011 requires the Authority to adopt a code of conduct "dealing with the conduct that is expected of members ... when they are acting in that capacity". The Authority's code is expressed to apply whenever a member is acting in their capacity as a member of the Council. We therefore first have to consider whether Councillor Butland was acting in an official capacity at the time of the alleged incidents.

- 7.3 Though relating to the former 2007 model code of conduct, the Upper Tribunal decision in *MC v Standards Committee of the London Borough of Richmond* [2011] UKUT 232 (AAC) is a helpful distillation of the previous High Court cases on capacity – *Livingstone v Adjudication Panel for England* [2006] EWHC 2533 and *R(Mullaney) v Adjudication Panel for England* [2009] EWHC 72. The principles stated in *MC* are:-

- (a) was the councillor, as a matter of ordinary English, actually conducting the business of their authority, including the business of the office of councillor?
- (b) a fact sensitive approach is required to the above;
- (c) the question is one for the tribunal to determine, not a reasonable observer.

- 7.4 In this case the allegations relate to Councillor Butland's actions in relation to the complaint he received by email from Ms Burrows-Wren. His conduct over a four-year period when Councillor Beavis was a member of the Braintree District Council's Conservative Group. And his actions at a meeting of the Council held on 16 December 2019.

- 7.5 In the first case it is evident that Councillor Butland was contacted by Ms Burrows-Wren in his capacity as Leader of the Council rather than Leader of the Conservative Group. His subsequent dealing with the email and contact with the Council's officers would also have been in his capacity as an elected Councillor. We therefore consider that in these matters Councillor Butland was acting in an official capacity.

- 7.6 In the second case, that is allegations of bullying, harassment and intimidation during four years whilst Councillor Beavis was a member of the Conservative Group it is less clear. We note that Councillor Butland contends that matters relating to the Conservative Group do not fall within the remit of the Code of Conduct. We agree with this; however, we consider there is a certain level of overlap that needs to be addressed. For instance, the power to appoint and dismiss councillors from the Cabinet is a function set out in the Council's Constitution; this therefore is a function where Councillor Butland was actually conducting the business of the authority. On the other hand

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functions relating to the selection of candidates and internal Party discipline are clearly not functions of the authority. For the avoidance of doubt we have considered all of the allegations in the following paragraphs.

- 7.7 The final case relates to actions at a meeting of the Council, it is clear that when attending the meeting on 16 December 2019 Councillor Butland was acting in an official capacity.

Respect

- 7.8 Paragraph 5 of the Council's Code states:

5.1 You must treat other with respect.

- 7.9 Under the Code, a member will have failed to treat others with respect if they direct unwarranted, unreasonable or demeaning behaviour against another. The requirement to treat others with respect must be viewed objectively. Account should be taken of the member's intent and how their behaviour would reasonably be perceived.

- 7.10 Treating people with respect was covered in the former 2007 model code of conduct; of relevance is The Standards Board for England Case Review 2010 (2011 edition) which provides guidance by indicating a 'rule of thumb' comparison. Q15 on page 26 of the Case Review advises that:-

"A very clear line has to be drawn between the Code of Conduct's requirement of respect for others, including members of the authority with opposing views, and the freedom to disagree with the views and opinions of others. In a democracy, members of public bodies should be able to express disagreement publicly with each other.

A rule of thumb is expressed in this comparison:

- *"You're talking drivell" is likely to be an acceptable expression of disagreement.*
- *Calling someone an "incompetent moron", on the other hand, is more likely to be a failure to comply with paragraph 3(1).*

We can see that the first comment is aimed at the expression of an idea or argument. The second is aimed at the person and their personal characteristics".

It is therefore the personalisation of comments that cause the user to breach the Code.

- 7.11 In addition, decisions of the former Adjudication Panel for England have indicated that the threshold for failure to treat another with respect must be set at a level that allows for the passion and frustration that often accompanies political debate and the discussion of the efficient running of a council. It should also be set within the context of who was involved in the exchange and the extent to which the words were malicious, bullying, unfair, unreasonable or demeaning.

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- 7.12 In this case there are a number of instances in which Councillor Beavis believes Councillor Butland has not treated her with respect. None of these appear to relate to any comments or words used which could be considered to be disrespectful. The allegations relate to Councillor Butland's behaviour rather than his use of language.
- 7.13 The examples provided by Councillor Beavis can be considered in two categories, those that relate to Councillor Butland's conduct at what could be termed private meetings and the conduct at the Council meeting in December 2019.
- 7.14 Dealing with the private meetings, first it should be noted that there is some dispute as to whether these were meetings where Councillor Butland was acting in his capacity as a Councillor or whether they were Conservative Party meetings dealing with Party discipline. As referred to above we consider there is some overlap so for the purposes of this investigation we have considered Councillor Butland's conduct in all cases.
- 7.15 Councillor Beavis refers to Councillor Butland's conduct at one of the meetings being described as 'brutal'. The evidence provided by those who attended the meetings Councillor Beavis has referred to suggest differently. The meeting in June 2016 attended by Lady Newton and Councillor Tattersley (accompanying Councillor Butland and Councillor Beavis respectively) both described Councillor Butland's conduct.

Councillor Tattersley stated:- *'I thought the meeting was well conducted, Councillor Butland was very well prepared and quite amicable'*

Lady Newton stated:- *'He supported his statements with evidence contained in emails sent by Councillor Beavis to various individuals. He put these to Councillor Beavis and invited her to comment. Councillor Beavis was unable to deny the central issue which was that she had shared certain information with individuals outside of the Conservative Group and outside the Council. It was evident that Councillor Beavis found the meeting uncomfortable but she was given plenty of time to respond to the issues raised.'*

- 7.16 Similarly Councillor Beavis refers to a meeting in June 2018 which was attended by Councillor McKee and Councillor Madden (accompanying Councillor Butland and Councillor Beavis respectively) both made reference to Councillor Butland's conduct.

Councillor Madden stated: - *'The meeting was properly conducted and it was clearly explained that they were dealing with the matter in respect of the Braintree Council Conservative Group. It was also explained that the actual complaint was being dealt with by the Council's Monitoring Officer. The outcome of the meeting was that no further action would be taken. This was fully explained to Councillor Beavis. The meeting was not confrontational, in fact I thought it was very constructive. There was definitely no intimidation or bullying. Clearly Councillor Beavis found the situation emotional but that was not due to the conduct of those at the meeting. At the conclusion of the meeting Councillor Butland stated he did not intend to withdraw*

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the Conservative Whip or take any other action against Councillor Beavis until such time as he received the outcome of the Council's Monitoring Officer's findings.'

Councillor McKee stated: - *The purpose of the meeting was to give Councillor Beavis the opportunity to respond to the allegations in the email from Ms Burrows-Wren.*

The possible outcome could have been the suspension of Councillor Beavis from the Conservative Group pending the outcome of the investigation into the allegations. For what I believe to be logical reasons Councillor Butland decided not to take any action. I believe Councillor Butland had regard to the history of complaints made by Councillor Beavis and that any action he took would result in her making a complaint of bullying by him.

I do know that Councillor Butland was emotional during the meeting. Councillor Beavis continually challenged the issues raised in the email and denied the allegations made.

Councillor Butland was clearly distressed by the matter and concerned about the possibility of allegations being made against him. At no point during the meeting was Councillor Butland confrontational.'

- 7.17 In each of these examples the evidence provided by the other parties attending the meetings, including the individuals invited by Councillor Beavis, does not support the allegations made. Furthermore, in both cases the purpose of the meeting appears to deal with Conservative Party matters albeit the meetings were conducted on Council premises. We are also mindful of the fact that following the meeting in 2016 Councillor Beavis was removed from the Council's Cabinet by Councillor Butland. Whilst we have not investigated the full circumstances of that decision by Councillor Butland, it is a power that is vested in the Leader of the Council. The evidence provided indicates that the decision was taken in line with Councillor Butland's powers as Leader and there is no provision that a Leader of the Council must justify such a decision.
- 7.18 We have considered the other examples provided by Councillor Beavis including the contention that as Leader of her Group, Councillor Butland did not provide the support to her she believed he owed her. We also considered the telephone conversation between them after the Conservative Association selection process in 2016. We consider these are both outside the scope of the Code of Conduct and even if proven the conduct would not meet the threshold of not treating another Councillor with respect.
- 7.19 The further complaint submitted in December 2019 refers to a meeting of the Council on 16 December. It is alleged that Councillor Butland held up a copy of the report into the investigation of the complaint against Councillor Beavis. Councillor Butland acknowledges that he held a copy of the report which Councillor Beavis would have been able to see. We have watched a recording of the meeting which does not show the incident referred to although the voice recording is clear.

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- 7.20 The allegation is that this conduct by Councillor Butland was disrespectful and was an attempt to intimidate Councillor Beavis. Intimidation is considered in detail later in this report. With regard to disrespect we consider that merely holding a report produced for the Council without making any comment as to its purpose or outcome could not be considered disrespectful in the context of the Code of Conduct.
- 7.21 In conclusion on treating another with respect we have concluded that Councillor Butland has not failed to treat Councillor Beavis with respect as required by the Code of Conduct.

Bullying

- 7.22 Paragraph 5 of the Council's code states:-

"5.3 You must not -

5.3.2 Bully any person."

- 7.23 It is alleged that Councillor Butland has bullied Councillor Beavis over an extended period.
- 7.19 Bullying was specifically identified as a conduct issue in the previous 2007 model code of conduct and whilst not defined, bullying and intimidation is referred to in the Standards Board Guidance on the Code issued in May 2007. It states on page 9 of the Guidance that:-

"Bullying may be characterized as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health."

This can be contrasted with legitimate challenges which a member can make in challenging policy or scrutinising performance.

- 7.24 In evidence Councillor Beavis has combined bullying behaviour with intimidation which is also dealt with in the following paragraphs in this report. It should be noted however that in the Code of conduct intimidation is only referred to in the context of those involved in an investigation of an allegation that a member has failed to comply with the Code.
- 7.25 Councillor Beavis clearly considers that Councillor Butland's actions were bullying towards her. From the evidence provided it appears that if Councillor Butland was involved in anything that Councillor Beavis was questioned over this was bullying. Clearly as Leader of the Conservative Group Councillor Butland would be expected to have some involvement and input into the conduct of members of that Group. It is actions of this nature that appear to be the basis of Councillor Beavis' allegations.

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- 7.26 Again some of these actions would not have been in the capacity of a Councillor where they clearly relate to Conservative Party matters.
- 7.27 In this case the relevant issue is that as Leader of the Council Councillor Butland had some actual or perceived influence over Councillor Beavis. That is as Leader of the Conservative Group (and Leader of the Council) he had the power to promote or demote other Conservative Councillors. This is an ultimate power of the Leader which can be exercised without any recourse to appeal, much the same as central government appointments by the Prime Minister to Cabinet. The decision is political rather than administrative in nature and not susceptible to challenge in the courts. From the evidence provided it appears that Councillor Butland had justifiable reasons (which as referred to above he did not necessarily need) to remove Councillor Beavis from the Council's Cabinet.
- 7.28 Councillor Beavis refers to another incident where she believes Councillor Butland was intimidating or bullying her when he emailed members of the Conservative Group about CCA Elections. The email dated 1 February 2018 states:-
- 'A number of colleagues have contacted me following receipt of an email from Cllr Arscott of Southend urging them to support a trio of candidates for the CCA. One of the candidates, seeking to represent District Councils, is Joanne Beavis.*
- Clearly members are free to vote for whoever they wish but I must make it clear that Jo has not been nominated by Braintree District Council Conservative Group.'*
- 7.29 There are three issues to consider here. First the email is sent using a private email account albeit the address is [REDACTED]@net.com' and is signed 'Kind regards Graham'. The email is not sent using a Council email account therefore there is a question regarding capacity. Secondly, the content is a factual statement to the effect that Councillor Beavis has not been nominated by the Council's Conservative Group. It does not urge the recipient not to vote for her, in fact it states '*members are free to vote for whoever they wish*'. Finally, it clearly relates to Conservative Group matters not the Council. On this basis we do not consider this is a Council matter nor is there any evidence that it is an attempt to bully or intimidate Councillor Beavis.
- 7.30 Other examples of bullying allegations relate to the meetings referred to under the heading of respect. As outlined in the evidence provided by those present at the meetings it is clear that they considered the conduct of the meetings to be entirely appropriate. In the statements provided by the witnesses there is consistent reference to the lack of any form of bullying by Councillor Butland.
- 7.31 Having regard to all the allegations made by Councillor Beavis and the evidence provided by her we have not found any justification for such allegations.
- 7.32 In conclusion on bullying we have concluded that Councillor Butland has not exhibited any bullying behaviour towards Councillor Beavis.

Intimidation

7.33 Paragraph 5 of the Council's Code states:

5.3 You must not

5.3.3 Intimidate or attempt to intimidate any person who is or is likely to be:-

5.3.3.1 a complainant;

5.3.3.2 a witness; or

5.3.3.3 involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct; or

7.34 Intimidation is defined in the Oxford English Dictionary as "*frighten or overawe, especially so as to coerce into doing something*". We have considered whether Councillor Butland's conduct towards Councillor Beavis or others involved in the investigation into the complaint made by Ms Burrows-Wren could be considered intimidatory.

7.35 Having regard to the definition of intimidation we have concluded that the allegation relates to the meeting called by Councillor Butland in June 2018 to consider the implications of the complaint made by Ms Burrows-Wren. This appears to be the only specific allegation relating to the complaint.

7.36 We have considered what, if anything, Councillor Butland may have been attempting to coerce Councillor Beavis in to doing or why he may have been attempting to frighten or overawe her. It is clear that Councillor Butland had the power to take action to have her suspended from the Conservative Group. Therefore, we can see no reason for Councillor Butland to frighten or intimidate Councillor Beavis to take any action in relation to the investigation.

7.37 Similarly we have considered the allegation that Councillor Butland intimidated Councillor Beavis by leaking information about the complaint to the media. First, there is no evidence that the articles in the press referred to by Councillor Beavis were the result of information provided by Councillor Butland. Secondly, it is difficult to find any reason that Councillor Butland might take such action.

7.38 Finally Councillor Beavis contends that at the meeting of the Council in December 2019 Councillor Butland attempted to intimidate her by holding up a copy of the investigation report. By this stage the investigation was complete and the matter had been concluded when Councillor Beavis resigned from the Council in 2018. Therefore there is no possibility of Councillor Butland's actions being an attempt to intimidate any person who is involved in the investigation.

7.39 Having considered how the complaint was dealt with by the Council and the conduct of Councillor Butland during the investigation into the complaint we have concluded that Councillor Butland did not intimidate or attempt to intimidate Councillor Beavis or any other individual involved in the investigation or proceedings.

Compromise the impartiality of Officers

7.40 Paragraph 5 of the Council's Code states:

5.3 You must not

5.3.3.4 Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

7.38 The Standards Board for England in its Case Review volume 1 considered what sort of behaviour would 'compromise the impartiality of those who work for the authority'. It states this paragraph is directed at;

"any activity that seeks to put pressure on officers to carry out their duties in a way that is biased or partisan. This may include direct or indirect coercion to favour a particular person, group or organisation, whether commercial, political or voluntary, contrary to officers' obligations to act independently and in the public interest."

7.39 In this case it appears that the allegation is that Councillor Butland put pressure on the Chief Executive and/or the Monitoring Officer regarding the complaint made by Ms Burrows-Wren. We have interviewed both officers who have confirmed that Councillor Butland had no influence on how the investigation was carried out or who was appointed as investigator. We note that at times Councillor Butland enquired about the progress of the investigation. We do not consider this to be inappropriate having regard to the fact that Councillor Beavis was a member of his Political Group and the potential implications of the outcome of the investigation.

7.40 We have considered all the evidence relating to the conduct of the investigation and have found nothing which indicates that any pressure was placed on the officers involved in the conduct of the investigation. The officers acted independently of any political interference and entirely in accordance with the Council's policies and procedures.

Secure an advantage

7.41 Paragraph 7 of the Council's Code states:

You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.

7.42 The relevant paragraph of the code states you must not use or attempt to use your position improperly to the advantage or disadvantage of yourself or anyone else. This provision is in essence the same as that in the Model Code of Conduct introduced under the Local Government Act 2000 and which the then Standards Board for England provided guidance on.

7.43 The guidance issued by the Standards Board in 2007 provides very little clarification on this part of the code. It merely states "your behaviour would be improper if you sought to further your own private interest through your position as a member."

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- 7.44 Similarly the Case Review 2007 has scant reference to this area of the code. Question 46 on page 61 sets out where it will be proper for a member to seek an advantage. It also highlights the fact that the term “improperly” is not defined in the code thus ensuring that the scope of the provision is not unnecessarily limited. The most relevant section states:-

“A member’s conduct would be improper if they were to use their public position to further private interests of themselves or associates, or to settle old scores with enemies, to the detriment of the public interest. Any conduct that unfairly uses a member’s public position to promote private interests over public interest will be improper.”

- 7.45 In this case it appears that Councillor Beavis believes Councillor Butland has used his position as an elected member to disadvantage her. Councillor Beavis refers to her being removed from the Council’s Cabinet, removed from regional and national bodies and from other positions on the Council. Whilst it is a fact that Councillor Butland removed Councillor Beavis from the Council’s Cabinet and other positions this was entirely within his remit as Leader of the Council. From our investigation there is no evidence that any of these decisions were improper or were exercised to promote his own private interests over the public interest.

Other matters considered

- 7.46 We have considered all the documentation provided to us by Councillor Beavis, some of which is not entirely relevant to the complaint. None of these documents provide any evidence that is contrary to that which we have referred to in this report.
- 7.47 In particular we have considered the allegation that Councillor Butland should have dealt with the original email from Ms Burrows-Wren differently. It is our opinion that the action taken by Councillor Butland to refer the matter to the Council’s appropriate officers was entirely correct. This was also the opinion of the solicitor appointed by the Council to investigate the complaint.
- 7.48 We have also considered Councillor Beavis’ contention that Councillor Butland did not support and protect her during a period of four years as a member of his political group. It is not entirely clear what support and protection Councillor Beavis expected, in any case failure to provide support and protection is not a matter covered by the Code of Conduct.

Conclusion

- 8.1 Our conclusion is that there has not been a failure to comply with the code of conduct of the authority concerned.

Wilkin Chapman LLP Solicitors

30 July 2020



PRIVATE AND CONFIDENTIAL

Report of an investigation by Wilkin Chapman LLP, appointed by the Monitoring Officer for Braintree District Council, into allegations concerning Councillor Graham Butland.

Dated: 30 July 2020

VOLUME 2 SCHEDULE OF EVIDENCE

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Appendix A

Schedule of evidence taken into account and list of unused material

Page	Number	Description
4	WC 1	Braintree District Council Code of Conduct
11	WC 2	Transcript of part of 16.12.19 meeting
13	WC 3	Complaint of Councillor Beavis 26.02.19
18	WC 4	Complaint of Councillor Beavis 18.12.19
19	WC 5	Statement of Councillor Beavis
90	WC 6	Statement of Ms Burrows-Wren
92	WC 7	Statement of Councillor McKee
95	WC 8	Statement of Councillor Madden
98	WC 9	Statement of Councillor Schmitt
102	WC 10	Statement of Councillor Tattersley
105	WC 11	Statement of Lady Newton
108	WC 12	Statement of Andy Wright
111	WC 13	Statement of Ian Hunt
115	WC 14	Statement of Stephen Pearson
118	WC 15	Statement of Nigel McCrea

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121	WC 16	Signed notes of Interview of Councillor Butland
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List of unused material

Investigator's notes, file correspondence and drafts.

Code of Conduct for Members

General Provisions

1. Introduction and interpretation

1.1. As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

1.2. This Code as a whole is consistent with “Nolan Principles” which are set out in s29(1) Localism Act 2011 and are as follows:

Selflessness

To serve only the public interest and never improperly confer an advantage or disadvantage on any person.

Integrity

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

Accountability

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

Openness

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

Honesty

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

Leadership

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

1.3. In this Code-

1.3.1. “meeting” means any meeting of:

1.3.1.1. the Authority

1.3.1.2. the Executive of the Authority

- 1.3.1.3. any of the Authority's or its Executive's committees, sub-committees, joint committees or joint sub-committees whether or not the press and public are excluded from the meeting in question by virtue of a resolution of Members
- 1.3.1.4. any briefings by officers and site visits organised by the Authority
- 1.3.2. "relevant period" means the period of 12 months ending with the day on which you give notification to the Authority's Monitoring Officer of any disclosable pecuniary interests you had at the time of the notification.
- 1.3.3. "profit or gain" includes any payments or benefits in kind which are subject to Income Tax.
- 1.3.4. "beneficial interest" means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale.
- 1.3.5. "Member" includes a co-opted member.

2. Who does the Code apply to?

- 2.1. This Code applies to all Members of Braintree District Council including co-opted members.
- 2.2. It is your responsibility to comply with the provisions of this Code.

3. What does the Code apply to?

- 3.1. You must comply with this Code whenever you -
 - 3.1.1. Conduct the business of the Authority, or
 - 3.1.2. You are acting as a representative of the Authority.
- 3.2. This Code has effect in relation to your conduct in your official capacity.

4. Where you act as a representative of the Authority –

- 4.1. On another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
- 4.2. On any other body, you must, when acting for that other body, comply with the Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

5. General obligations

- 5.1. You must treat others with respect.
- 5.2. You must uphold the law.
- 5.3. You must not –
 - 5.3.1. Do anything which may cause the Authority to breach any of the equality enactments;
 - 5.3.2. Bully any person;
 - 5.3.3. Intimidate or attempt to intimidate any person who is or is likely to be:–

- 5.3.3.1. a complainant;
- 5.3.3.2. a witness; or
- 5.3.3.3. involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct; or
- 5.3.3.4. Do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.

6. Confidential Information

- 6.1. You must not disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where –
 - 6.1.1. You have the consent of a person authorised to give it;
 - 6.1.2. You are required by law to do so;
 - 6.1.3. The disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - 6.1.4. The disclosure is, reasonable and in the public interest; and made in good faith and in compliance with the reasonable requirements of the Authority;
- 6.2. You must not prevent another person from gaining access to information to which that person is entitled by law.

7. Conferring an advantage or disadvantage

- 7.1. You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage;
- 7.2. You must when using or authorising the use by others of the resources of the Authority, act in accordance with the Authority's reasonable requirements and ensure that such resources are not used improperly for political purposes (including party political purposes);
- 7.3. You must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

Members Interests

8. Disclosable Pecuniary Interests

- 8.1. You have a Disclosable Pecuniary Interest (DPI)¹ in any business of the Authority if it is of a description set out in 8.2 below and is either:
 - 8.1.1. An interest of yours; or
 - 8.1.2. An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as “Relevant Persons”).

¹ The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 set out the pecuniary interests specified for the purposes of Chapter 7 of Part 1 Section 30(3) of the Localism Act 2011 and take precedence over this definition

8.2. A Disclosable Pecuniary Interest is an interest which relates to or is likely to affect:

- 8.2.1. Any employment, office, trade, profession or vocation carried on by you or a Relevant Person for profit or gain;
- 8.2.2. Any payment or provision of any other financial benefit (other than from the Authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a Member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- 8.2.3. Any contract for goods, services or works which has not been fully discharged between you or a Relevant Person and the Authority or a body in which you or they have a beneficial interest;
- 8.2.4. A beneficial interest in any land in the Authority's area
- 8.2.5. A licence of any land in the Authority's area (alone or jointly with others) that you or a Relevant Person occupy for a month or longer
- 8.2.6. Any tenancy where to your knowledge (i) the landlord is the Authority and (ii) the tenant is a body in which you or a Relevant Person has a beneficial interest
- 8.2.7. Any beneficial interest in securities of a body where that body (to your knowledge) has a place of business or land in the area of the Authority and either:
 - 8.2.7.1. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - 8.2.7.2. the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class.

9. Other Pecuniary Interests

- 9.1. You have an Other Pecuniary Interest in any business of the Authority where it relates to or is likely to affect:
 - 9.1.1. Any person or body who employs or has appointed you;
 - 9.1.2. Any contract for goods, services or works made between the Authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph 8.2.7 which has been fully discharged within the last 12 months;

10. Non-Pecuniary Interests

- 10.1. You have a non-pecuniary interest in any business of the Authority where it relates to or is likely to affect -
 - 10.1.1. Any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the Authority;
 - 10.1.2. Any body of which you are a member or in a position of general control or management
 - 10.1.2.1. Exercising functions of a public nature; or
 - 10.1.2.2. Directed to charitable purposes; or

- 10.1.2.3. One of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
- 10.1.3. The interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- 10.1.4. A decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing or financial position of a friend, relative or close associate to a greater extent than the majority of:-
 - 10.1.4.1. (In the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - 10.1.4.2. (In all other cases) other council tax payers, ratepayers or inhabitants of the Authority's area.

11. Disclosure of Interests (Disclosable Pecuniary Interests, Other Pecuniary Interests and Non-Pecuniary Interests)

- 11.1. Subject to sub-paragraphs 11.2 to 11.3, where you have a Disclosable Pecuniary Interest, other Pecuniary Interest or Non-Pecuniary Interest in any business of the Authority and you are present at a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.
- 11.2. Sub-paragraph 11.1 only applies where you are aware or ought reasonably to be aware of the existence of the Relevant Person's Interest.
- 11.3. Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 11.1 but by virtue of paragraph 14 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary Interest or Other Pecuniary Interest you need not disclose the nature of the interest to the meeting.
- 11.4. Where you have a Pecuniary Interest in any business of the Authority which would be Disclosable by virtue of paragraph 11.1 and a function of the Authority may be discharged by you acting alone in relation to that business, you must ensure you notify the Authority's Monitoring Officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business.
- 11.5. Where you have an interest in any business of the Authority which would be disclosable by virtue of paragraph 11.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

12. Effect of Interests on participation

- 12.1. Disclosable Pecuniary Interests
 - 12.1.1. If you are present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and you have a

Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and you are aware of that Interest:

- 12.1.1.1. You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting unless you have received a dispensation from the Authority's proper officer.
- 12.1.1.2. You must withdraw from the room or chamber where the meeting considering the business is being held.
- 12.1.2. If you have a Disclosable Pecuniary Interest in any business of the Authority you must not exercise executive functions in relation to that business; or seek improperly to influence a decision about that business
- 12.1.3. If a function of the Authority may be discharged by a Member acting alone and you have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).
- 12.2. Other Pecuniary Interests
 - 12.2.1. If you have an other Pecuniary Interest in any business of the Authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement in the public interest and you are present at a meeting of the Authority at which such business is to be considered or is being considered you must disclose the existence and nature of the interest in accordance with paragraph 11.1 (but subject to paragraph 11.3) and; Withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from the Authority's proper officer.
- 12.3. Non-Pecuniary Interests
 - 12.3.1. After having declared an interest in accordance with paragraph 11.1 you may then participate and vote unless: a member of the public with knowledge of the relevant facts would reasonably regard your interest as so significant that it is likely to prejudice your judgement; or your interest may give rise to a perception of conflict of interest or bias, in which case you must withdraw.

Register of Members Interests

13. Registration of Members' Interests

- 13.1. Subject to paragraph 14, you must, within 28 days of this Code being adopted by or applied to the Authority; or your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the Authority register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:
 - 13.1.1. Disclosable Pecuniary Interests as referred to in paragraph 8 that you or a Relevant Person has in so far as you are aware of their interests at that time;
 - 13.1.2. Other Pecuniary Interests referred to in paragraph 9 that you have;
 - 13.1.3. Non-pecuniary interests referred to in paragraph 10 that you have.

- 13.2. You must keep your register of interests up to date by notifying the Monitoring Officer of any changes to your interests referred to in 13.1 above within 28 days of the change occurring or becoming aware of the change.

14. Sensitive Information

- 14.1. Where you have a Disclosable Pecuniary Interest referred to in paragraph 8 or Other Pecuniary Interest referred to in paragraph 9 and the nature of the interest is such that you and the Authority's Monitoring Officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the Authority's Register then copies of the register available for inspection and any published version of the Register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 14.2. You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 14.1 is no longer sensitive information, notify the Authority's Monitoring Officer.
- 14.3. In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

15. Register of Gifts and Hospitality

- 15.1. You must within 28 days of receipt, notify the Authority's Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the Authority.
- 15.2. The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 15.3. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the Authority for this purpose.

Cllr Beavis Thank you Madam Chairman, I was just quickly going through my journal to see if I could find the point I wanted to make but actually Councillor Butland it was on your piece here where you say Councillor John Lodge, Leader of Uttlesford District Council, came to visit and I just wonder whether, I mean, its quite a broad statement, I just wondered whether you could give us a bit more detail on that visit? The reason I ask is this, I attended, along with other members of this Council actually, a presentation at Uttlesford District Council on West of Braintree and the thing that I'll take back with me is that they were quite honest within the workshops that we had on that day that they have an allocations policy that's not fit for purpose and certainly not fit for purpose with the growth that could potentially come in that area so that's something else I'd be particularly keen to understand a bit more about and secondly, the thing I was looking for in my journal was I raised a question at last full council I believe and we did have a debate around the pavements in Braintree town centre. Now, we've now got lots of black tarmac squares all over the town, not particularly fetching I have to say, but they do the job. Not everything has been resolved, in fact, when I was at one of the local fairs at Christmas, erm, a lady walked towards me and fell in my arms and clearly she'd slipped walking through the high street so clearly we do still have some issues there and I believe that in the newspaper the Council are going to give us an update at this meeting. If not could I please have a written response. Thank you Madam Chairman.

Cllr Butland Thankyou Madam Chairman. Yes we've had very, very good discussions with the Leader of Uttlesford District Council regarding our joint visions of how we see housing and growth going particularly around our border areas. I think that's something all members would expect us to do and we will continue with those discussions. As regards the town centre there will be announcements coming forward on that. I'm grateful to the local members who represent that area who have constantly, on behalf of their constituents, made a strong case for the improvement of the town centre and those are councillors who really know it because they live in the area and are in the area and know what is going on. So, but there will be an announcement around that and Councillor Cunningham may well wish to make a comment when people ask him questions.

Other comments but camera not on that speaker but sounds like Cllr Beavis attempting to ask another question

Cllr Butland Madam Chairman do I always have to have nonsense from the opposition?

Cllr Beavis Madam Chairman through you, the Leader might find my question nonsense. I'm sure many people in this district do not. The question I wanted to raise is this. I, I, I've erm, I think we're going to be dealing with that Councillor Butland in a few weeks time.

Cllr Butland I hope so.

Cllr Beavis I hope so too. In fact I believe I've got a telephone call scheduled for Wednesday to look at these issue.

Cllr Butland ? months I've been waiting

Cllr Beavis well I've been waiting three years and I think you're well aware of that.

Some others talk here

Cllr Beavis Thank you Madam Chairman, the point I wanted to raise is I was born and bred in this district and I was not aware



COUNCILLOR CODE OF CONDUCT COMPLAINT FORM

When completed please return to:
The Monitoring Officer, Braintree District Council, Causeway House, Braintree, Essex,
CM7 9HB

Your details

1. Please provide us with your name and contact details

Title:	Mrs
First name:	Joanne
Last name:	Beavis
Address:	[redacted]
Daytime telephone:	[redacted]
Evening telephone:	[redacted]
Mobile telephone:	[redacted]
Email address:	[redacted]

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Councillor(s) you are complaining about
- the Monitoring Officer of the authority
- the Parish or Town Clerk (if applicable)

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

2. Please tell us which complainant type best describes you:

- ☐ Member of the public
- ☒ **X** An elected or co-opted Councillor of an authority
- ☐ Member of Parliament
- ☐ Local authority monitoring officer
- ☐ Other council officer or authority employee
- ☐ Other – please state ()

3. Equality monitoring questions *[responses redacted]*

a) Gender:

- ☐ Male
- ☐ Female
- ☐ Prefer not to state

b) I would describe my ethnic group as:

- ☐ White
- ☐ Mixed
- ☐ Asian or Asian British
- ☐ Black or Black British
- ☐ Middle East
- ☐ Traveller
- ☐ Other Ethnic Group ()
- ☐ Prefer not to state

4. Making your complaint

Please provide us with the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their authority:

Title	First name	Last name	Council or authority name
Mr	Graham	Butland	Braintree

Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more

CONFIDENTIAL REPORT

than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Monitoring Officer or the Sub-Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible; about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

Please provide us with the details of your complaint. Continue on a separate sheet if there is not enough space on this form.

There are 4 key areas to my complaint:

1). My written complaint to Braintree District Council regarding the handling of my Councillor Grant application and the influence that the Leader of Braintree District Council had on the complaint process when the complaint was submitted which, from the outset, broke the Rules of Natural Justice. My solicitor, who advised me when Braintree District Council took up the complaint, stated on several occasions that the process should be devoid of political influence. This proved, not, to be the case. To understand the process and protocol of how and whom leaked the complaint to BBC Essex as a BBC Essex Exclusive story?

2). My written complaint to Braintree District Council regarding the bullying and intimidating behaviour from the Leader of Braintree District Council towards me during the handling of the complaint about my Councillor Grant application which was both bullying and harassment. The behaviour demonstrated by Graham Butland broke the Council Code of Conduct for Leadership and broke the Nolan Principles. I was not supported by Graham Butland at any point during the complaint. I was victimised and set up to become the victim which was revenge and resentment by Graham Butland. My solicitor was concerned that throughout the process of the complaint that Graham Butland was influencing the process.

3). My written complaint to Braintree District Council following a three-year case of bullying, intimidation, victimisation towards me from the Leader of Braintree District Council which has been referred by me on the instruction of the Conservative Party (of which I was a member for 18 years). Much of the case relates to the Rules of Natural Justice and the influence (using his power as senior male colleague over junior female colleague) that the Leader of Braintree District Council has used to bully, intimidate, harass and victimise me.

The Conservative Party has advised me, in writing, that my three-year complaint regarding the behaviour of Graham Butland towards me should be taken up at

Braintree District Council under the Code of Conduct for Members at Braintree District Council and have therefore recommended that I refer my complaint to Braintree District Council. The complaint includes stalking type behaviours by Graham Butland towards me, taking great opportunity to create public revenge type behaviours towards me.

4). My written complaint to Braintree District Council regarding a case of bullying, intimidation, and victimisation to harass me by the Leader of Braintree District Council which was reported to Essex Police, in writing, in February 2019. In reviewing my complaint Essex Police has advised: "In reviewing your letter relating to harassment, I am also of the opinion that this is not a Police matter and would fall more satisfactorily within the Code of Conduct or Nolan Principles".

5. Only complete this next section if you are requesting that your identity is kept confidential

In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

To allow us to give full consideration to a request for confidentiality we require you to provide us with an explanation of the reason why you think your details should be kept confidential. Any request for confidentiality must be sent to the Monitoring Officer with the complaint form.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

If your complaint is dealt with by the Standards Sub-Committee at a hearing after an investigation you may be asked to attend as a witness.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

6. Additional Help

Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Equality Act 2010, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

If you need any support in completing this form, please contact Ian Hunt, Monitoring Officer or Emma Wisbey, Deputy Monitoring Officer on 01376 552525 or by email at ian.hunt@braintree.gov.uk or emma.wisbey@braintree.gov.uk

From: [Cllr Joanne Beavis](#)
To: [Hunt, Ian](#); [Wright, Andy](#)
Cc: [Cllr James Abbott](#)
Subject: Formal Complaint.
Date: 18 December 2019 10:38:07

Dear Andy and Ian,

I write to make a formal complaint regarding the behaviour towards me from Councillor Graham Butland - Leader of Braintree District Council at Monday night's Full Council Meeting.

His behaviour was of a bullying nature and I found it extremely distressing. His behaviour was intimidating and demonstrates that a failure to deal with his previous behaviours toward me has allowed his conduct towards me to become a lot worse.

My colleagues, as I, also witnessed that he held up a copy of the solicitors report, now finalised after my Cllr. Grant was investigated, to intimidate me. This behaviour, not only was completely unacceptable, but it was premeditated. The behaviour was designed to intimidate me and to bully me in to not making points at the Full Council Meeting.

I request a thorough investigation is carried out into my complaint please.

I call on this Council to commence with a training session for all members into the Code of Conduct for Members.

Sadly, I feel that Councillor Butland's recent display of intimidation style behaviour towards me is beginning to set an example of just the type of behaviour that Local Government is trying to 'stamp out'.

His conduct broke the Code of Conduct and the Nolan Principles on many level on Monday night. The recent hand tapping on tables at Full Council was extraordinary and leads me to believe that this Council should be trained on respect of Councillors at Braintree District Council. I have an email sitting on my desk from a female Councillors driven to tears following a recent meeting of Full Council and quite frankly this is not acceptable.

My kind regards and thanks. Jo Beavis.

**STATEMENT
FRONT COVER**

Name:	Councillor Joanne Beavis
Position Held	Complainant

wilkin chapman llp
solicitors

Cartergate House,
26 Chantry Lane,
Grimsby
DN31 2LJ

a limited liability partnership registered in England number OC343261
authorised and regulated by the Solicitors Regulation Authority



STATEMENT of: Councillor Joanne Beavis

1. I am a member of Braintree District Council having been first elected in May 2003 as a Conservative Councillor. From 2007 to 2016 I was the Cabinet Member for People and Communities. I resigned from the Council and from the Conservative Party in January 2019 due to the issues set out in this statement. I was re-elected as an Independent Councillor in May 2019.
2. I am also a Member of Essex County Council having been elected in May 2017. During the period 2018-2019 I was a Member of the Essex County Council Cabinet Office as Deputy Member for Children and Families. I also held a number of high profile positions at a national level including the Local Government Association and the National Board of Conservative Councillors winning 2 National Ballots.
3. I understand that Wilkin Chapman Solicitors have been engaged by the Council's Monitoring Officer to investigate the complaint I submitted regarding Councillor Butland's conduct towards me. I also understand that the investigation only covers the parts of my complaint that relate to the conduct of Councillor Butland and that the matters relating to the conduct of the Council will be dealt with separately.
4. The purpose of my complaint is to demonstrate over a four year period I have been singled out for bullying, intimidation and harassment. My complaint relates to five areas of conduct although some of them are interrelated, will overlap and are:-
 - (a) Councillor Butland influenced the investigation of an allegation against me that I had failed to follow the Council's code of conduct;
 - (b) Councillor Butland bullied me during the investigation;
 - (c) Councillor Butland intimidated me during the investigation;
 - (d) Councillor Butland treated me with disrespect and bullied me during a period of three years when we were members of the same political group on the Council;

- (e) Councillor Butland acted with disrespect and attempted to intimidate me in holding up a copy of the investigation report of Mr S Pearson during the Council meeting on 16 December 2019.

5. The relevant paragraphs of the Code are:-

- Paragraph 5.1

"You must treat others with respect."

- Paragraph 5.3.2

"You must not ... bully any person."

- Paragraph 5.3.3

"You must not ... intimidate or attempt to intimidate any person who is or is likely to be ... a witness or involved in the administration of any investigation or proceedings in relation to an allegation that a Member (including yourself) has failed to comply with the Authority's code of conduct."

- Paragraph 5.3.3.4

"You must not ... do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority."

- Paragraph 7.1

"You must not use or attempt to use your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage."

6. First, I believe that Councillor Butland was involved in the conduct of an investigation into an issue raised by Ms Burrows-Wren regarding a grant application I made to the Council. This is evidenced by the fact that Ms Burrows-Wren originally raised the matter with Councillor Butland who then referred it to the Council's Chief Executive.

7. When I was made aware of the matter and that it was being dealt with as a complaint I contacted Councillor Butland as he was the Leader of the Conservative Group, and Leader of the Council. As a member of the Conservative Group I considered it appropriate that he should be informed. His response to me was that he was on holiday and could not find anything on the Halstead Gazette FaceBook page. He never mentioned the initial complaint had gone to him and that he was speaking to the chief Executive office about it.
8. As he was aware of the complaint from the outset I believe that, as the Leader of my Group, he should have shown some leadership and spoken to me about the matter. At least to elicit my views and comments on the issues raised with him in Ms Burrows-Wren's email to him.
9. I believe that Councillor Butland influenced how the matter was handled and the subsequent investigation by how he dealt with the original communication from Ms Burrows-Wren. The complaint related to a grant application I submitted to the Council on behalf of a Community Group of which I was a Director. A fact that was openly acknowledged. When other Councillors with an interest in an organisation applying for a grant applied for a similar grant the matter was raised with the Councillor and resolved. I have been treated differently.
10. When Councillor Butland received the communication from Ms Burrows-Wren I believe he thought this was his opportunity to 'take me out'. This is due to the difficult relationship we had experienced from early 2016 which is explained in more detail below. Whilst I do not believe Councillor Butland exerted any pressure on the investigator appointed by the Council it is clear that he influenced how the correspondence from Ms Burrows-Wren was dealt with.
11. I also believe that Councillor Butland exerted some influence on the Council's Monitoring Officer during the investigation. This is evidenced by the use of language in correspondence I received from the Monitoring Officer. In one email the Monitoring Officer referred to a 'robust' exchange and this is exactly how Councillor Butland referred to a telephone conversation I had with him.
12. Having influenced the handling of the matter Councillor Butland then went on to intimidate me during the course of the investigation carried out by Freeths. I believe that Councillor Butland informed various media outlets of the details of the complaint

which were subsequently reported in the press with exclusive stories and leaked to BBC Radio Essex. This was very intimidating and lead to the public perception of me being severely diminished.

13. Throughout this period Councillor Butland offered no support to me which I believe was part of his role as Leader of my Group. The only contact I had with him was when he summoned me to a meeting in June 2018. His summons to the meeting was not clear so I emailed him to seek clarification. His response was that it was to establish the facts relating to the grant application and to third party issues.
14. Councillor Butland also reported the issues to Councillor David Finch, Leader of Essex County Council. At this point I was advised to leave the Essex County Council Conservative Group.
15. The meeting was held on 15 June 2018 and attended by me, Councillor Butland, Councillor Madden and Councillor McKee. At the meeting I felt that I was being interrogated by Councillor Butland. During the meeting Councillor Butland produced bank statements for my business which should have been personal to me. He also interrogated me on the transactions on these, which I found extremely intimidating. His attitude to me during the meeting was that I should 'sit there and shut up'. The outcome of the meeting was that Councillor Butland was telling me how to run my business outside of the Council. He also instructed me not to contact Ms Burrows-Wren. I considered this unreasonable as I was still trying to complete her request to be removed as a Director of the business.
16. As referred to earlier, my relationship with Councillor Butland deteriorated in early 2016. This was after nine years of working together on the District Council's Cabinet. About a year prior to the County Council elections held in May 2017 both myself and Councillor Butland were on a list of prospective candidates for seats on the County Council. We were called to a selection meeting in front of the Party Executive. At the end of the morning I was informed that I had been successful in being selected as a candidate for a seat.
17. The seat I was selected for was the seat that Councillor Butland wanted. At that point our relationship changed. As I was on my way home from the selection interview Councillor Butland rang me, I pulled over to answer his call. Councillor Butland wanted me to give up the seat so he could stand. He stated that he had done a lot for me over the years, he was a senior long standing conservative of 50 years and I

should stand down for him. It was described by Councillor Butland as a robust conversation on his part, which I have described, over a four year period, as bullying behaviour by a senior Conservative male on a junior female colleague.

18. It was about two weeks after this that Councillor Butland called me in and informed me that he had removed me from external regional and national bodies such as the Essex County Council Health and Well being Board and Executive Board of the LGiU national Political Think Tank, of which I had served effectively and professionally for many years and gaining the shortlisting as Councillor of the Year for my work at Braintree District Council by the LGiU. I was also stripped of all the positions I held on the Council. He refused to discuss the telephone call. Councillor Butland escalated the intimidation through the newspaper which published a front page article which referred to the 'mystery' of my removal from the Cabinet. People have commented to me that he would do this to me. The Council or Councillor Butland made no comment.
19. The Conservative Party did look into the matter between June and December 2016. This resulted in a meeting between Councillor Butland and senior members of the Conservative Party, including a Senior Conservative Regional Field Director appointed to act on my formal complaint to the Conservative Party about the level of bullying towards me by Councillor Butland. This included being harassed singled out and victimised on social media and in the local and regional press. At the meeting Councillor Butland said that with hindsight he regretted the phone call and would work to rehabilitate me back into the Conservative Group. This never happened and Councillor Butland continue to use his power over me, writing (for example) to Group members and regional members encouraging them not to vote for me in the national annual ballot for the Conservative Councillors National Board.
20. With regard to the selection process for the County Council seats Councillor Butland appealed so the selection was rerun. I was selected for a different seat and Councillor Butland was selected for the seat I had originally been selected for.
21. I continued to be a Conservative Councillor between 2016 and 2019 despite a very difficult relationship between me and Councillor Butland who continued to be the Leader of the Group.

22. At one stage I was approached by Councillor Rory Love who was the Chair of the National Conservative Councillors' Board who had been told by Councillor Butland of my alleged fraudulent behaviour. Councillor Love commented that he considered Councillor Butland had not followed the correct process in advising other Conservative Party Members not to vote for me in the process of the national ballot and that I should watch my back. I found the advice from Councillor Rory Love, a friend and colleague, who was warning me that Councillor Butland was using his power over me to try and ruin my political journey. I felt as if Councillor Butland was stalking me and was using social media, emails and private meetings to try and destroy my political successes. Despite this for two years running I polled enough votes in the National Ballot to secure a seat on the Conservative Councillor Board.
23. This was clearly having an effect on my wellbeing. In the end my family recognised that the treatment I was receiving was having a detrimental effect on my health so I resigned from the Conservative Party and from the District Council.
24. When Freeths had finalised its report I was asked to attend a meeting of the Essex County Council Conservative Group Leaders. Councillor Butland was aware of the meeting but was not present. Minutes after the meeting I received a call from BBC Essex for a response. The meeting was confidential yet it was leaked.
25. During the period 2016 – 2019 inclusive it felt as though I was being stalked by Councillor Butland who was using his power and political positions to try and destroy me personally, politically and professionally.
26. The final part of my complaint relates to Councillor Butland's conduct at a meeting of the Council on 16 December 2019. Whilst I was speaking during the debate on one of the items Councillor Butland interrupted and said words to the effect "*I don't have to put up with this stupid type of thing*". When I stood and said that his behaviour was inappropriate Councillor Butland sat down and held above his head a copy of Freeths report into the complaint against me and said, "*I have been waiting 3 months for this*". I felt embarrassed, harassed, intimidated and publicly exposed. The behaviour was premeditated and the fact that Councillor Butland, who carried very little paper, had this document to hand exposes the fact that his priority was to make me his victim and for him to continue to publicly destroy me. This behaviour was a display of consistent behaviour by Councillor Butland, over a four year period, to victimise and intimidate me.

CONFIDENTIAL REPORT

27. In a four year period I have made formal complaints to Essex County Council, Essex Police and the Conservative Party about Councillor Butland's bullying and victimised behaviour towards me. The Conservative Party assigned a regional field Director to support me to deal with the complaint process and measures were put in place.
28. Both the Conservative Party and Essex Police have written to say the behaviour of Councillor Butland towards me should sit more satisfactorily with the Council's Code of Conduct for Members and the Nolan Principles.
29. During a four year period I have been singled out and verbally attacked by Councillor Butland. He has used his positions of power to influence others, at all political levels, and by creating toxic stories, leaked to the radio and press and senior Conservative colleagues. He has convinced them that I am an embarrassment to the Conservative Party. The two main investigation meetings took place at Causeway House. One colleague who attended referred to the meeting as "Brutal".
30. Until one Saturday morning in 2016, the day of the Essex County Council Selection Meeting, I held an impeccable record at Braintree District Council locally, regionally and nationally in the Conservative Local Government family.
31. During a four year period I have found Councillor Butland's behaviour towards me to be quite extraordinary, making me the enemy and then attacking me. During a four year period I have received letters from senior members of the Conservative Party saying I have been treated badly and that members should be supporting my complaint against Councillor Butland's behaviour towards me which has been quoted as "Blue on Blue attack".
32. During a four year period and due to the lack of support and duty of care from Councillor Butland and the consistent pressures by him to destroy me on all levels, personally, politically and professionally, I have been stripped of my duties at Braintree District Council and external bodies and paid in excess of £[REDACTED] on solicitors fees to support and protect me. This is an unacceptable level of support and protection that should have been provided by both the Conservative Party and Braintree District Council.

33. I find that the natural rules of justice should apply to my four year complaint.

I Councillor Joanne Beavis declare that this statement is true and accurate to the best of my knowledge and belief.

Signed

.....Date 7th May 2020.

CONFIDENTIAL REPORT

From: Cllr James Abbott <cllr.jabbott@braintree.gov.uk>
Sent: 05 January 2020 17:59
To: Hunt, Ian <ian.hunt@braintree.gov.uk>; Cllr Joanne Beavis <cllr.jbeavis@braintree.gov.uk>
Subject: Re: Complaint against the Leader of the Council - Councillor Butland
Thank you.

Is there a time-frame for this process please ?

Stand alone Separate
Complaint about
Conduct by Cllr Beavis &
Abbott.

Councillor James Abbott

District Councillor for Silver End and Cressing ward
Green and Independent Group Leader

From: Hunt, Ian <ian.hunt@braintree.gov.uk>
Sent: 30 December 2019 17:42
To: Cllr Joanne Beavis <cllr.jbeavis@braintree.gov.uk>; Cllr James Abbott <cllr.jabbott@braintree.gov.uk>
Subject: Complaint against the Leader of the Council - Councillor Butland

Dear Councillor Mrs Beavis and Councillor Abbott
Thank you for your emails in respect of the conduct of Councillor Butland at the meeting of Full Council on the 16th December. Specifically with respect to his holding up a document whilst Councillor Mrs Beavis was speaking. In line with the Councils protocol on Member Conduct matters I am forwarding the complaint to Councillor Butland for his initial comments and will review these once I am in receipt of them. I will return to you in due course with the further steps in this complaint.

Yours
Ian
Ian Hunt

From: [REDACTED]
Sent date: 25/03/2019 - 09:52
To:
Subject: RE: Code of Conduct Councillor Graham Butland.

Dear Ms Beavis

*Conservative
 Chairman of the Midway Party*

Thank you for your email of 9 March. I am sorry for the delay in acknowledging this.

As previously advised, I am not willing to reopen all your previous complaints that you have at one time or another either acknowledged to have been resolved or to have withdrawn.

Similarly, the Party does not offer an opportunity to run a parallel investigation into matters you have already reported as contravening your own Council's Code of Conduct and which is currently being investigated.

Your most recent issues are not matters for the Conservative Party but relate to your position and behavior as an elected Councillor along with that of another councillor. If you have complaints relating to other councillors you must use either the code of conduct of the relevant council, as you appear to be doing in this case, or the rules of the relevant Conservative Group. The Party's Code of Conduct for Representatives does not exist as an alternative avenue to the existing routes for councillors.

Yours sincerely

From: P BEAVIS

Sent: 13 March 2019 10:09

To: Sanderson Ian

Subject: Code of Conduct Councillor Graham Butland.

FOR THE ATTENTION OF IAN SANDERSON.

From: [REDACTED]
Sent date: 06/03/2019 - 15:08
To:
Subject: RE: Complaint to Essex Police

Dear [REDACTED]

ESSEX POLICE

I am satisfied that, having reviewed the fraud allegation referred to me in relation to the [REDACTED] for by yourself and BDFC, there is no criminal case to answer. This information has been shared with Mr Hunt and the relevant people by my command team last week.

In your letter relating to harassment, I am also of the opinion that this is not a police matter and will fall more satisfactorily within the code of conduct or Nolan Principles.

Yours assists. Good speaking to you.

Regards

From:**Sent date:** 29/06/2016 - 08:39**To:****Subject:** Re: Braintree selection for Essex County Council seats.

EVIDENCE

Jo,

I've just sent this to David and the two Nigels.

" Dear colleagues,

You will notice that I have not copied in everyone on this reply. I have limited this the most senior members of the association and County Council respectively.

The situation highlighted by Jo is completely unacceptable and we have, I believe, a moral and professional duty to act. Graham's conduct towards Jo come straight after some very personal, public and unprofessional attacks on Priti Patel. These comments were made on social media and I have no doubt will be used against her by our political opponents in future elections.

Graham has been a highly effective leader at BDC but, if anything, that makes these actions worse. The words of an unknown backbencher could be laughed off.

The media are sniffing around for "blue on blue" stories post referendum and I'm worried that has all the hallmarks of something that could blow up.

Jo has a right not to be harangued like this and we have a duty to support her.

Clearly, as an MP, I have no formal role in this but my cardinal rule is that I never attack a fellow Tory. I don't think that it's unreasonable to expect the same of others.

Yours,

JC

James Cleverly MP

Member of Parliament for Braintree
House of Commons, LONDON SW1A 0AA"

James Cleverly MP

Member of Parliament for Braintree
House of Commons, LONDON SW1A 0AA

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On 28 Jun 2016, at 07:09, R BEAVIS <

wrote:

Dear colleagues. Please see my email to _____ and _____ asking for support and clarification that the adoption process for Saturday was correctly followed. Gagan (Essex area) met with I _____ yesterday and assures me it was. My first choice seat on Saturday was my home of Gosfield, Halstead and Greenstead Green albeit I'm equally pleased by the adoption of the Three Fields which sits on the boundary of my land and is indeed the back drop of countryside surrounding my property. I know both seats very well as I was born and brought up in the district. What I am finding increasing hard at the moment is that I can be inflicted by so much mental abuse (on the phone for one and a half hours) by Graham Butland bullying me to give him my seat (he is clearly upset by the decision of the Executive) but it is absolutely inexcusable that he can bully the adopted candidate for the Three Fields in this way just because he didn't get his first choice seat. Graham was adopted a

Holmes & Hills LLP Solicitors
30-31 Street, Sudbury, Suffolk, CO10 1RF
Tel: 01787 271222 Fax: 01787 6342156 DX
Email: [REDACTED]

250 00
Brentwood Halstead
Totes and Coggeshall

Leonard Gray LLP

By email: [REDACTED]

- 1) Assume the process has been suspended ^{proposed hyper & more}
- 2) BCCA into special measures
- 3) G.B. suspended & case reviewed
- 4) My objection to be satisfied

Date 11 August 2016

post history & so collect

Dear Sirs

Your client: Graham Butland
Our client: Joanne Beavis

This firm acts for Mrs Joanne Beavis. Our client has consulted us in relation to your letter of 29 July 2016.

We note the allegations contained therein and the evidence relied upon.

What is immediately apparent is that your letter hugely overstates your client's case and ignores all of the obvious defences to a defamation claim which are available to our client. We are not surprised by the approach you have taken as clearly this sort of letter can often have the effect of frightening the proposed defendant into apologising and undertaking not to repeat the allegations complained of. However, we are sure you will have advised your client that it would be extremely unwise to actually issue any proceedings in this matter. No doubt you will have advised your client of the likely defences that our client would raise.

Turning to the merits of your client's purported claim, you must first establish that the comments made by our client are in fact defamatory. Part of the test involves establishing that publication of those statements has caused or is likely to cause serious harm to your client's reputation. You will appreciate that the threshold for that test is a high one. On the facts, we do not think you will be able to satisfy it.

Further, the defence of honest opinion is clearly available to our client. Our client's statements which described your client as a bully were clearly statements of opinion. They indicated both in general and specific terms the basis of that opinion and they were an opinion that an honest person could have held on the basis of the facts that existed at the time when those statements were published. That is supported by emails we have seen from other members of the conservative party which disapprove of the way in which your client treated our client.

It is also open for the Court to conclude that rather than being a statement of opinion, our client's statements were statements of fact and that they were in fact true.

Finally, there is the issue of public interest. The conduct of politicians, at all levels of government, is clearly subject to close scrutiny and there is significant public interest in the way individual politicians treat others, being something which the public is aware of.

CONFIDENTIAL REPORT

* In all of the circumstances, we do not believe that your client is able to establish that our client has made statements which are defamatory and if, which is not admitted, he is able to, it is submitted that there are numerous defences available to our client. *

* Our client therefore respectfully declines to provide the relief requested in your letter of 29 July 2016. *

We trust that your client will now see that issuing any defamation proceedings would be unwise and that we therefore hear no further about this particular issue.

Yours faithfully

HOLMES & HILLS LLP

Our Sudbury office no longer use the DX exchange. Please send all mail to this office by the postal address or electronically.

Leonard
gray

SOLICITORS

Mrs J Beavis



Tom Cunningham:

Andy Gray's agent -
Cunningham
PAC 2016 x 1 Group

PAC

past history
& conflict

Date: 29 July 2016

Our Ref:
Your Ref:

Dear Madam,

Our Client: Graham Butland

We are instructed by Mr Graham Butland, of

We are instructed that our client is mentioned in a number of text messages and e-mails that you have circulated to a number of members of the Conservative Party. In addition, you have made a number of verbal comments to members of the Conservative Party about our client.

This letter is written in accordance with the Pre-Action Protocol for Defamation, a copy of which is enclosed and which you are referred to.

Text Messages, E-mails & Comments

We are instructed that:

1. You sent a number of text messages to Councillor Tom Cunningham on 26 June 2016, which, among other things, stated as follows:

"...Graham rang me for over an hour and it verbal bullying which is simply not acceptable..."

"...nobody, within our group, should suffer at the hands of a bully and yesterday Graham crossed the line and it's just not acceptable. I believe it is also now upto Graham to think about how he treats people and the ramifications of his actions."

messages, e-mails and comments contain statements that are defamatory to our client, in allege that our client is a bully and has used bullying and aggressive tactics towards you. statements are likely to tarnish our client's good reputation.

Position

The above statements made by you about our client are false.

In particular, we are instructed that on Saturday 25 June 2016 at 1pm our client telephoned you to discuss the outcome of the local selection procedure. We are instructed that our client was selected as the candidate for Braintree Town Division and you were selected as the candidate for Three Fields with Great Notley Division. We are instructed that our client wished to discuss your selection for the seat of Three Fields with Great Notley. During the conversation, following your statement that you wanted to be selected for the Halstead Division and did not expect to be selected for the Three Fields with Great Notley Division, our client made a suggestion to you that you could consider stepping down from the Three Fields with Great Notley Division. However, during the conversation, you became verbally abusive towards our client using swear words on a number of occasions. We are aware that you confirmed your behaviour at the meeting held on Friday 15 July 2016 in the presence of Councillors Lady Newton and Peter Tattersley. It appears that you have taken from this conversation that our client is a bully and that he was attempting to use bullying and oppressive tactics towards you to stand down from your selection as the candidate for Three Fields with Great Notley Division.

Our client accepts that the conversation between the two of you was robust, however, he totally rejects the allegation that he was attempting to bully you. Application for an Interim Injunction,

We are instructed that our client's wife witnessed the telephone conversation and she can confirm that our client's behaviour towards you was not that of a bully. ?

Damage

The text messages, e-mails and comments that you have made to several members of the Conservative Party have caused and are likely to continue to cause our client damage to his reputation. "Yr

You will be aware that as our client is the Leader of Braintree District Council and the Cabinet Member for Health at Essex County Council, a high level of professionalism is expected of him. In addition, you will be aware that our client is the Chief Executive of East Anglia's Children's

10 Defamation - Civil Procedure Rules. It aims to incorporate the concept of the overriding objective, as provided by the Rules at Part 1, before the commencement of any Court proceedings, namely:

dealing with a case justly includes as far as is practicable:

requires him to maintain a high level of professionalism and any such you are extremely harmful to his reputation.

above, your comments are totally unacceptable and harmful to our client's a whole within the Conservative Party and the community. In addition, should your become known to the wider general public then our client is highly likely to suffer harm and he could be investigated by the Conservative Party or the regulatory body for .ces.

Remedies

In the circumstances, our client urgently requires you to:

- Send a suitable letter of apology, the contents of which are to be agreed by our client, to all people who you have made the allegations to and to all members of the Conservative Group on Braintree District Council;
- Provide us with an undertaking that you will not repeat the allegations complained of; and
- Reimburse our client their legal costs of £ [redacted] plus VAT of £ [redacted], a total of £ [redacted]

We request that you confirm in writing that you will carry out the above as a matter of urgency and, in any event, by **no later than 4pm on Friday 12 August 2016**. Failure to comply with this request will result in defamation proceedings being commenced in the High Court without further notice to you. Any such proceedings will also include an application for an Interim Injunction, together with an Order that you pay our client's legal costs.

Our client would view litigation as a last resort, however, your actions can no longer be allowed to continue and our client is prepared to take whatever steps are necessary to put a stop to it. Our client also reserves the right to bring a claim for financial loss and damage to his reputation.

May we suggest you seek independent legal advice on the contents of this letter from a solicitor.

Yours faithfully,

LEONARD GRAY LLP

[redacted]

... to incorporate the concept of the overriding objective, as provided by the ... of any Court proceedings, namely:

... : cable:

Email:
Telephone:

15th September 2018.

Complaint to MP about behaviour
of Cllr Butland

Dear James.

I hope you and your family are well and have enjoyed the summer.

I write to you as both my local Member of Parliament and as Deputy Chairman of the Party.

I think you are briefly familiar with my ongoing dispute with Cllr Butland who I believe is bullying me with intent to destroy my career and reputation.

The principle dispute began in July 2016 when I was selected for the ECC seat of Three Fields with Great Notley. Cllr Butland (GB) wanted this seat for himself and told me to stand aside; when I refused I was dismissed from his Cabinet. I raised the question of bullying with the Party at the time and a compromise was cobbled together but GB has not stood by the terms of the compromise and has intensified his attack on me.

The latest channel of his attack is over a grant from BDC for the Braintree District Community Foundation CIC of which I am a Director. I can talk separately about this and have included some of the background in a pack of information.

I am not alone in complaints about his bullying, it has been reported in the press and there are three further ongoing complaints that I am aware of.

I am keen there is a lasting resolution to this dispute that does not damage the reputation of the Party, however I am disappointed that this has not been achieved to date.

I am sure you will understand that my legal advisers will feel obliged to escalate the matter, potentially in the national press, if a blatant case of male on female bullying is allowed to persist in the Party.

I will be at Conference and would welcome the opportunity to discuss the matter further.

Best wishes.

Jo Beavis.

CONFIDENTIAL REPORT

----- Original Message -----

From: R BEAVIS

To: [REDACTED]

Sent: Friday, 8 Jun, 2018 at 13:08

Subject: Fwd: CCA Elections

Rory Love Conservative Board
Chairman

Dear Rory. Below is the email that Graham Butland sent to the Braintree Conservative Group. I do not believe that this demonstrated Group unity of which I agreed with you and Graham that I would drop my complaint in December 2017. The email that was sent by Cllr. David Finch of Essex County Council was: "One of our Councillors is standing for the CCA. Please vote for Jo and wish her good luck". The culture at ECC is totally different to the culture at Braintree District Council. Kind regards. JO.

Begin forwarded message:

From: "Graham Butland" <cllrghbutland@btinternet.com>

Subject: CCA Elections

Date: 1 February 2018 at 22:08:24 GMT

Dear Colleagues,

A number of colleagues have contacted me following receipt of an email from Cllr Arscott of Southend urging them to support a trio of candidates for the CCA. One of the candidates, seeking to represent District Councils, is Joanne Beavis.

Clearly members are free to vote for whoever they wish but I must make it clear that Jo has not been nominated by the Braintree District Council Conservative Group.

Kind regards
Graham

Intervention

Monday 18th June 2018. Confidential

To: County Councillor David Finch – Leader of Essex County Council.

County Councillor Dick Madden – Chief Whip of the Essex County Council Conservative Group

From: County Councillor Joanne Beavis.
Board Member CCA.
LGA PEER.
District Councillor at Braintree District Council.

Formal Complaint concerning Councillor Graham Butland.

I hereby formally write to request that Councillor Graham Butland is suspended from the Essex County Council Conservative Group.

In a three year period from 2016 – 2018 I have documentary evidence including solicitor letters and letters from the Conservative Party to demonstrate that I have a case to be answered.

During the time of suspension I request a meeting is convened with The Leader of Essex County Council. The Chief Whip of Essex County Council. The Chairman of the Essex Area Team. My accountant and my solicitor to investigate my complaint.

I believe that I am a victim of bullying. I believe that I am being singled out and victimised by a senior Conservative Colleague which could lead not only to the demise of my political career but also my professional career and my personal physical and mental wellbeing.

Today I will instruct my solicitor to write to my Co-Director at the Braintree District Foundation Community Interest Company to ask the question of how sharing information of a private, confidential and sensitive nature (without my authority) with the Leader of Braintree District Council has happened. This information is being used to spread rumours about me both at a local and national level. The information is being used as an unfounded rumour about me which the Leader of Braintree District Council, without having the courtesy of talking to me first, has spoken to the Chairman of the Conservative Councillors Association about.

In addition, I advise you that I have sent a letter of Formal Complaint to the Head of the Voluntary Party at Conservative Party Headquarters. This is new complaint regarding the conduct of Councillor Graham Butland whereby I also request that my complaints of 2016 and 2017 are reinstated.

From:
Sent date: 27/07/2016 - 11:21
To:
Cc:
Subject: Re:

Jo, I concur with David at this time.
Regards, Nigel.

Sent from my iPhone

On 27 Jul 2016, at 10:46, DAVID FINCH <

> wrote:

Dear Jo

My strong advice on this is not to engage with the press which I believe will only inflame the existing situation and further damage the Conservative Party in Braintree.

David

Leader of Essex C.C.

From:
Sent date: 27/07/2016 - 09:10
To:
Subject: Re: Halstead Gazette

Thank you Nigel. That means a lot in this difficult time. Kind regards. JO.

----- Original Message -----

On Wednesday, 27 Jul, 2016 at 08:09, Nigel Harleyh wrote:

Dear Jo

President
of the
Conservative
Party - Braintree

While I would follow the line taken by more senior colleagues in the Party, I personally would be fully supportive of your issuing your proposed statement to the Halstead Gazette. You have been treated in an appalling way by Graham Butland and is only fair that you put your side of the story.

Kind regards

Nigel

Sent from my iPad

On 26 Jul 2016, at 17:32, R BEAVIS <

wrote:

Dear David, Kevin, Nigel, Nigel, Mark and Mark.

Since Friday I have been avoiding missed calls from the press and today I have received the following message from the Halstead Gazette:

"Hi Jo! I'm at the Halstead Gazette. I'm just doing a story about the changes in Cabinet at Braintree Council and was wondering if you were happy to provide a statement on leaving the cabinet. We just need to establish whether you were replaced or resigned - are you able to talk me through the situation please? Thank you, Katie."

I'm minded to issue the following statement:

"I did not leave the Cabinet nor did I resign; I was replaced by Cllr. Peter Tattersley who has been my deputy for 5 years. On the 25th June 2016 I was successfully adopted to the Essex County Council seat of the Three Fields with Great Notley. Directly following my adoption I received a phone call from Councillor Graham Butland suggesting I should swap my newly adopted county seat for his seat of Braintree Town. I said no. On Friday 15th July 2016 I removed from the Cabinet at Braintree District Council."

I do not wish to cause attention to Cllr. Butland, The Conservative Party or indeed I. However, over the past 4 1/2 weeks, a tremendous burden has been placed on Richard, my family and I due to a bullying and pressurising phone call made by Cllr Butland suggesting I was the only one that could change the situation by giving up my seat to him. I have worked with Cllr. Butland since we were both elected to the District Council in 2003. Up until my adoption we have had a good working relationship throughout all those years.

Cllr. Butland has emailed the Braintree Conservative Group and said:

"Dear Colleagues,

Following a meeting that I had with Cllr Jo Beavis on Friday in the presence of Cllrs Lady Newton and Peter Tattersley I announced at Cabinet this evening that Cllr Tattersley has replaced Cllr Beavis as the Cabinet Member for Health and Communities.

There will be no deputy appointed to the Health and Communities portfolio and as a result Cllr Bill Rose will become a full voting member of Cabinet.

As the reason for Cllr Beavis's departure from Cabinet may be subject to legal proceedings I cannot comment anything further at this time.

From:
Sent date: 30/07/2016 - 22:06
To:
Subject: Fwd: Hi

Sent from my iPad

Begin forwarded message:

From: John Wood >
Date: 29 July 2016 at 12:49:56 BST
To: "'Beavis, Jo'" >
Subject: Hi

I read the article in the Witham and Braintree Times yesterday re. your mysterious replacement on the front bench! It made me think again as it represents the worst of local politics. It would be good to catch up to understand what happens next so are you attending Sunday's event at Hadleigh Park? Cheers.

Regards John Wood
Sport and Leisure Consultant

Think before you print!

This email and any attachments, replies and forwarded copies are in confidence and are strictly for the use of named recipient(s) only. If you are not the intended named recipient, please contact the sender and delete the email from your system and you are prohibited from distributing, copying, making use of or unlawful use of any information without first gaining the express permission of the sender.

Internet email may be susceptible to data corruption, interception and unauthorised amendment for which Braintree District Council will not accept any liability. We strongly advise you not to email any information that would be likely to cause you distress if it were to be seen by others. If you have an enquiry of this nature please provide a postal address to allow us to communicate with you in a more secure way.

Any opinions or views expressed are not necessarily those of Braintree District Council and do not form any kind of contract.

All communications sent to or from the Council may be subject to recording and/or monitoring in accordance with relevant legislation.

-----Original Message-----

From: Jennie Sutton [mailto:

Sent: 19 July 2016 09:00

To: Simon Allen

Subject: No

Hi Julia

Just heard about Jo I did say to you I was worried Graham would do this
and i think he is totally out of order. I hope Jo is going to fight this
injustice if I can be of any support just let me know Jen x

Sent from my iPad=

JO

Having seen the webcam of the meeting held 4th February can I give you my personal apology. You have always been a supporter of the Citizens Advise Bureau and I regret that you were put in an awkward position at the cabinet meeting. I should have been at the meeting but due to unforeseen circumstances could not attend. Don Smith Deputy Chair was attempting to put across the CAB concerns re the reduction in the 3 year funding particularly year 3 where we have serious concern. We fully appreciate the need to save costs and at our meeting with Peter Tattersley and Andy Wright I hope we were able to address mutual concerns. It was unfortunate that this meeting came after the cabinet review. I want to go on record to thank you for your unwavering support of the Bureau. We are a new team and are frankly trying to come to grips with the financial challenges ahead.

Kind Regards,

Keith Brownlie.

Chair of Trustees.

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petit.

----- Original Message -----

From: Peter.tattersley

To: R BEAVIS

Sent: Tuesday, 12 Jul, 2016 at 11:56

Subject: Re: Private & Confidential

CONFIDENTIAL REPORT

Morning Jo

May I suggest a few things for you to consider before your meeting with Graham.

This will not be a hearing with an independent chairman where arguments from both sides will be heard and a decision made. It will be Graham having a go.

I certainly would not prepare a counter argument but simply state that you have worked hard for a nomination to the county council for a number of years and you were finally selected through the Party's democratic processes, and having won the nomination have no intention of giving it up. You felt that by Graham using his position to demand that you give up the nomination, to your mind that amounted to bullying. You should also make it clear that you were shocked at his aggression and that it is no wonder that you responded in the way you did.

If he threatens any sanctions, I would call his bluff and offer to resign. He has always backed down at that stage as it would trigger a by election and the details of why you felt it necessary to resign would come out. A high risk strategy I know but you may have little choice. The alternative, and you cannot make up your mind until you know what action he intends taking, if any, could be like Chris Siddall where you drift onto the back benches without the truth coming out.

Hope this helps.

Peter

Hope this helps

Sent from my iPad

> On 12 Jul 2016, at 08:08, R BEAVIS wrote:

>

> Peter. That's great. I appreciate it. kind regards, JO,

>

> ----- Original Message -----

> On Monday, 11 Jul, 2016 at 21:18,

> Peter.tattersley wrote:

>

> Hello Jo

> Hope the holiday is going well.

> I am happy to attend with you on Friday. Birth permitting.

>

> Peter

> Sent from my iPad

>

>> On 11 Jul 2016, at 16:14, R BEAVIS wrote:

>>

>> Hi Peter. I hope you are well. Please see the below email from

>> Graham. Are you around on Friday please at attend. Best, JO,

>>

>> ----- Original Message -----

>> From:

>> To:

>> Sent: Saturday, 9 Jul, 2016 at 19:01

<https://btmail.bt.com/cp/applink/mail/LoadMessagePrint?ckey=1469012634907-14520&iframeID=x-mail-rmsg-iframe-box-print&fromLocale=Fro...> 1/2

From: cllr.jbeavis@braintree.gov.uk
Sent date: 30/07/2016 - 22:06
To:
Subject: Fwd: Cabinet Role

Sent from my iPad

Begin forwarded message:

From: davidkbrownlie >
 Date: 29 July 2016 at 13:39:46 BST
 To: "Beavis, Jo" >
 Subject: Re: Cabinet Role

Dear Jo,

Just a note to say how sad I was that your role has been changed. Frankly I am incredulous as you were by far the best person for this key role. As a mover and shaker you were best placed to lead this portfolio and BDC are the losers.

I just hope they come to their senses. Best wishes for the future and keep your chin up. Best. Keith

On 14 Feb 2016, at 21:22, "Beavis, Jo" > wrote:

Dear Keith.

Thank you for your email of which I'm grateful to receive. I'm always very mindful that the CAB carries a huge degree of sensitivity because the work of CAB impacts on many people's lives mostly at a time of distress or financial hardship. Because of the sensitivity I've been instrumental to ensuring we hold regular meetings with CAB to ensure that I and Officers' at BDC are in touch with your operations. To that end and over a long period of time I have personally engaged myself to ensure the relocation of your various offices have been smooth and that, where possible, BDC has made additional financial grants to ensure a safe passage. So you see I and BDC has always been in a position to work with CAB.

Over the past four years (particularly) BDC has seen multi million pound grants taken away from it from Central Government in order to help reduce a huge national deficit. BDC, until now, has protected CAB from this albeit we have regularly updated CAB on the issues and indeed over the past four years BDC has funded CAB additional money to help support those in need of additional welfare advice.

At Cabinet I spoke of my disappointment to see CAB present and indeed wishing to speak. The Leader Graham Butland explained to Don that we were Webcasting live to the public that night. Unfortunately because Don decided to speak his statement, as expected, has been picked up and published by the Halstead a Gazette and the Braintree and Witham Times. This is an additional blow and could of been prevented.

By way of clarity the meeting of last Monday was convened, not as part of our regular course of meetings; it was an additional meeting put in the diary once Don had alerted us that he wished to speak at Cabinet. All our meetings leading up to Cabinet had been agreeable insofar as the budget and how the financial reductions would be made. The only other outstanding issue, and again this was a new issue and not discussed at previous meetings was the request for additional capital funding to support CAB with the purchase of new IT equipment.

The last meeting I attended, pre-Cabinet, was positive and I was pleased to meet the new team. I will continue to look forward to working with you and feel that the letter of last week, following the Monday meeting, was positive.

I would like to end this email with a thought and not my thought (It was the thought of the National Chairman of CAB who I had the pleasure to meet last year). He spoke of transformation and of new and improved ways of working for CABs. Transformation was in the form of IT. IT improvements were allowing the reduction of CABs in communities by offering satellite options and home visits. I hope that over the coming years we see a positive plan of transformation for the Braintree District CABs and I look forward, very much, to understanding your ideas.

Kind regards.

Joanne Beavis. Cabinet Member - Health and Communities.

Sent from my iPad

On 14 Feb 2016, at 12:10, Keith Brownlie > wrote:

From: cllr.jbeavis@braintree.gov.uk
Sent date: 30/07/2016 - 22:06
To:
Subject: Fwd: Cabinet role

Sent from my iPad

Begin forwarded message:

From: Toocarams >
Date: 29 July 2016 at 10:25:47 BST
To: >
Subject: Cabinet role

Dear Jo,

I was very sorry to read your news in the Halstead Gazette today and just wanted to say a personal thank you, to you, for all the hard work you have put in regarding health. I have only met you a few times but was always impressed by your enthusiasm and commitment and I feel we will sorely miss you.

As the old saying goes, as one door closes another will open and I hope you move on to a new adventure where you will continue to shine.
Good luck and thank you once again.

Best wishes

Jill Toocaram
(CHPC)

Sent from my iPad

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CONFIDENTIAL REPORT

Holmes & Hills LLP Solicitors
96 North Street, Sudbury, Suffolk, CO10 1RF
Tel 01787 275275 Fax 01376 342156 DX NODX
Email [REDACTED]

Holmes & Hills LLP

also at
Braintree, Halstead
Tiptree and Cuggeshall

Mrs J Beavis

By Email Only: [REDACTED]

Your ref
Our ref SCB/JP/BEAVIS
Date 20 June 2018

Highlights plus cash history

Dear Jo

Dispute with Graham Butland

Further to our recent telephone conversation, I confirm that I have re-opened my old file in this matter (rather than opening a new and separate file). I will now review your documents with a view to preparing a response to Ian Hunt on your behalf.

I suggest we set an initial cap on the amount of time I can spend of 10 hours to review your documents, take any necessary further instructions and engage in correspondence with Mr Hunt and any other relevant parties. It may well be the case that I can deal with all of this in less time but I think it makes sense to set a generous cap to allow for anything unexpected so that I can simply get on with the job at hand without having to revert back to you constantly in relation to costs. That said, I'm happy to agree a lower (or higher) cap if you prefer. Please note that my standard hourly rate is currently £[REDACTED] + VAT.

I note that once I have resolved the current issue with Braintree District Council, you wish to instruct me (on behalf of The Braintree Community Foundation CIC) to write to Caroline Burrows-Wren. We can obviously discuss that in more detail when the time arrives.

Kind Regards
Yours sincerely

SAMUEL BAWDEN
For and on behalf of Holmes and Hills LLP

[REDACTED]

CONFIDENTIAL REPORT

Holmes & Hills LLP Solicitors
96 North Street, Sudbury, Suffolk, CO10 1RF
Tel 01787 275275 Fax 01376 342156 DX NODX
Email [REDACTED]

Holmes & Hills LLP

also at
Braintree, Halstead
Tipree and Coggeshall

Private and Confidential

By Email Only: Ian.Hunt@braintree.gov.uk

Re: IH
Subject SCB/BEAVIS ;
Date 13 July 2018

Dear Mr Hunt

Our Client: Cllr Joanne Beavis

**Councillor Community Grants Application – Braintree District Community Foundation CIC
Member Code of Conduct**

We write further to your email of 11 July 2018.

We note your decision to refer this matter for independent investigation. Our client has asked us to seek clarification from you as to the following:

1. Likely timescale and process for that investigation;
2. What constitutes an "Independent" inquiry and how the tribunal is selected; and
3. Details of the likely outcome (in terms of possible sanctions, penalties, etc that might be imposed) if a breach of the Code is found.

You previously mentioned the possibility of "informal resolution". We also invite further clarification as to what you envisage in that respect in order that we can discuss this with our client.

Finally, in respect of numbered point 2 above, please note that we are instructed in respect of a dispute between our client and Cllr Graham Butland. As such, our client has concerns about his independence when it comes to any inquiry. Our client has asked what plans you are putting in place in respect of possible conflicts of interest such as this.

We look forward to hearing from you.

Yours faithfully

----- Original Message -----

From: Samuel Bawden

To: R BEAVIS

Sent: Thursday, 6 Sep, 2018 at 16:41

Subject: RE: Draft proposal to Ian Hunt. Ref Holmes & Hills LLP:MA:203602.0010

Interference by Cllr Butland



Hi Jo

Thanks for your emails. I am not sure what Graham's motivation is. I don't think his email requires a direct response.

I am happy to contact Ian and have adapted your draft below (for approval - please confirm you are happy with it). I should warn that I think it could get his back up though, which may be counterproductive.

Dear Ian,

I have been provided with a copy of the attached email, from Cllr Butland to Cllr Beavis. Cllr Beavis and I are both surprised at both a) the extent to which Cllr Butland seems to be informed about our exchanges of correspondence and b) the fact that he felt the need to write to my client, bearing in mind the comments you made about him not having to have any real involvement in the matter.

I understand that the personal animosity between Cllr Butland and my client is fairly well-known. Knowing the background to this matter, and the circumstances surrounding their relationship, it is difficult to interpret Cllr Butland's email as anything other than an attempt to intimidate my client.

The investigation into Cllr's Beavis conduct should be devoid of any political interference. She has interpreted Cllr Butland's email as indicating otherwise. At this point I need to simply lay down a marker and reserve my client's right to challenge the investigation process itself. Therefore, we will, if necessary, revert to this point again.

I am yet to hear from Ian regarding the proposed informal resolution. I will chase him but if we can't agree something before the meeting with Stephen Pearson then we probably ought to get together before that meeting, perhaps towards the end of the week commencing 17 September. We can agree a time in due course, if it becomes necessary.

Here is my proposed without prejudice chaser:

----- Original Message -----

From: Graham Butland<

To:

Cc:

Sent: Sunday, 10 Jun, 2018 at 13:38

Subject: Re: Concerns regarding Councillor Community Grant

Dear Joanne,

Thank you for your email.

I confirm the meeting for 1300hrs on Friday 15th June in the Leader's Room in Causeway House.

I assume that should your colleague not have an access card to Causeway House you will make arrangements to sign them in.

Kind regards

Graham

> On 10 Jun 2018, at 11:48, R BEAVIS

wrote:

>

>

> Dear Graham. I am grateful that you are able to open up a slot.

> Thank you. I can confirm that I will attend and that I will bring a

> Member of the Conservative Party along with me.

> In the meantime I will email Ian Hunt and seek further clarification

> on certain points in the process of the letter that I received on

> Friday. Kind regards. JO.

>

> ----Original message----

> From :

> Date : 10/06/2018 - 08:24 (GMTDT)

> To

> Cc

> Subject : Re: Concerns regarding Councillor Community Grant

>

> Dear Joanna,

>

> Thank you for your email.

>

> It would appear from the email that you would be free on Friday 15th

> June. I am making arrangements to rearrange my diary on that day to

> open up a slot from 1300 to 1430. I trust that this will be

> convenient for you.

> John McKee has confirmed that he can also make that time.

Judge &
Jury

Rules of natural justice

Interference

Kind regards

> Graham

>

>

>> On 9 Jun 2018, at 23:13, P BEAVIS <1

wrote:

>>

>>

>> Dear Graham--

>>

>> Please may I assure you that I take the potential seriousness of your
>> email very seriously. I take the recent letter from Ian Hunt very
>> seriously which is why I am seeking further clarification on various
>> sections of that letter. I also take the roles and responsibilities
>> that I carry out on behalf of the Conservative Party in Local
>> Government very seriously. My diary is back to back until and
>> including the evening of Thursday 14th June. I am sorry that, due to
>> your leave, another time prior to the 23rd is not convenient to you.
>> Based on your email dated the 1st February to Braintree Group Members
>> regarding the CCA elections and the fact that I now understand that
>> other Essex Candidates were contacted by you which raised with them
>> concerns about my personal integrity as a Candidate I have submitted
>> a formal complaint to Conservative CCHQ regarding your conduct
>> towards me. In doing so I have requested that my complaints about
>> you dated the 18th July 2016 and 21st August 2017 are reinstated and
>> that the 3 complaints are taken together to try and understand if a
>> picture emerges that suggests your behaviour towards me is
>> unacceptable as a Group Leader and further more is, in fact, becoming
>> prejudicial towards me.
>> I have met with you on previous occasions relating to my complaints
>> of the 18th July 2016 and the 21st August 2017 and on each occasion
>> the resolve that you have suggested in terms of the unity of the
>> Group and my integration into the Group has not been fully honoured.
>> On that basis, I hope that you will understand, my need to update the
>> Party on events since Christmas 2017 where I believe that we had
>> reached an understanding that for the unity of the Group I would not
>> pursue my complaint of the 21st August 2017.

>>

>> Based on my past history of meeting with you. I do not feel
>> confident that any decisions made by you, as Group Leader, will in
>> fact leave me with the certainty that the decisions made will be
>> honoured.

>>

>> Kind regards,

>> JO.

>>

>>

>>

>>

>>

>>

>>

>> ----Original message----

>> From :

>> Date : 09/06/2018 - 22:02 (GMTDT)

>> To :

From :
Date : 15/06/2018 - 06:36 (GMTDT)
To :
Cc :
Subject : Re: Meeting.

Dear Joanne,

Good morning.

Given the short time we have this afternoon I thought it might be useful if I set out an agenda for the meeting so we have a structure to it.

I suggest the following:-

1. Introductions
2. Clarify the Purpose of the Meeting
3. Opportunity for You to give the Group Leader your view of the situation and subsequent discussion
4. Third Party Issues
5. Conclusion

This will complete matters which are subject to the enquiries being carried out by the Council.

There is however a further matter that is not relevant to BDC but may be relevant to the reputation issues outline in the Group Constitution at para 13.5, namely matters concerning governance issues relating to Braintree CIC which have been brought to my attention. I feel it only fair that I should share these with you.

I hope that this helpful.

Kind regards
Graham

On 13 Jun 2018, at 22:34, R BEAVIS

wrote:

Dear Graham

-----Original message-----

From :
Date : 14/06/2018 - 21:33 (GMTDT)
To :
Cc :
Subject : Re: Meeting.

Dear Graham,

My name is Joanne and not Joanna.

Interference

Thank you for your information. I am grateful. I am not aware of any issue that has adversely impacted on the reputation of the Group and/or the Party since I joined the

Group and Party in 2001. In fact, and most particularly over the past 3 year period, I have worked very closely with the Party to help protect the reputation of the Conservative Party.

Kind regards. JO

-----Original message-----

From :
Date : 14/06/2018 - 20:30 (GMTDT)
To :
Subject : Re: Meeting.

Dear Joanna,

Delighted that Dick can make it, and we will start at 1.30pm.

I have no questions about 13.5 of the Group Rules. The issue that I will need to consider is as follows:

Are there any issues that may adversely affect the reputation of the Group and/or Party which I will need to consider as set out in Rule 13.5?

CONFIDENTIAL REPORT

On 18 Aug 2016, at 14:36, Hunt, Ian <ianhu@braintree.gov.uk<mailto:ianhu@braintree.gov.uk>> wrote:

Dear Councillor Beavis

Further to the changes in Cabinet the Leader has asked me to write to Essex County Council in relation to their appointment of you to the Health Overview and Scrutiny Committee as a co-opted member. As you will be aware this appointment is made by them; although following a nominations process from the Districts. Cllr Butland has asked me to confirm to the County Council that **you are no longer the relevant portfolio holder with Health responsibilities** and that this would now be Councillor Tattersley. If the County Council wish to change the appointment they will be in touch with you directly.

Yours

Ian

Ian Hunt

Head of Governance

Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB

* 01376 552525 Ext. 2629 | www.braintree.gov.uk<<http://www.braintree.gov.uk>> | *

ian.hunt@braintree.gov.uk<mailto:ian.hunt@braintree.gov.uk>

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Donation is under review

■ Cash went to councillor's community company

By Robbie Bryson

A GRANT handed out by a councillor is being reviewed by Braintree Council after it was awarded to a company she set up.

The authority has confirmed its officers are investigating a donation made by Tory councillor Joanne Beavis as part of its Councillor Community Grants scheme.

The scheme sees each ward councillor given £100 to distribute to organisations across the district.

Mrs Beavis awarded some of the money from her cashpot to Braintree District Community Foundation, a community interest company she co-founded with Caroline Burrows-Wrenn.

It was used to purchase new fridges and a freezer at Castle Hedingham Community Shop - a not-for-profit store linked to the foundation.

Mrs Beavis said the investigation was normal procedure as she had declared an interest.

She said: "The Castle Hedingham Community Shop was established in November 2017 to provide a much needed and valuable service to the residents of Castle Hedingham and the surrounding areas.

"The grant was successfully awarded in April and will help towards the provision of new equipment to replace the old equipment left by the previous owner of the shop.

"Braintree District Council, for reasons of transparency, is entitled to carry out reviews particularly when a member of the council has a declared interest."



■ **DONATION:** Councillor Jo Beavis said the investigation was normal procedure as she had declared an interest

A Braintree Council spokesman said: "A question has been raised in relation to one grant made by Councillor Mrs Beavis under the Councillor Community Grants scheme. This is currently under review by officers although we are unable to make any further comment at this time."

CONTACT ME:

robbie.bryson@newsquest.co.uk
@robbiebryson1

IN BRIEF

Agency move

A RECRUITMENT agency has moved into new offices close to its current building in Witham.

Robyn Holmes, managing director of Prime Appointments, has been in the same building since starting the business in 1992.

She and her team of 32 will open the doors to their new home, also in Newland Street, on Monday.

Van tools stolen

A THIEF stole tools after breaking into a van in Feering.

They broke into the silver Ford Transit van and took a large bucket of hand tools and a Makita site radio.

It happened in London Road sometime overnight on July 11.

Break-in car theft

BURGGLARS broke into a house and stole the keys from an Audi before taking it from the driveway.

They broke into the house in Fuller's Close, Kelvedon and searched it, finding the keys to a grey Audi A3.

It was taken from the driveway between 1am and 7am on July 10.

Mystery as Jo replaced on council front bench

■ Councillor goes following nine years of looking after Braintree's health

By Katherine Palmer

QUESTIONS have been raised following a mystery handover of a portfolio at Braintree Council.

The responsibility for health across the district has changed hands after it was revealed at a cabinet meeting that Jo Beavis had left the cabinet.

Councillor for Three Fields, Peter Tattersley, will be taking over from the Heddingham councillor, who had been cabinet member for health and communities since 2007.

Despite being contacted last Wednesday, the council did not reveal whether Mrs Beavis resigned or was replaced.

Mrs Beavis was not available for comment.

Council leader Graham Butland would only say that he welcomed Mr Tattersley's appointment.

Married father-of-one Mr Tattersley, from Great Bardfield, said: "I was born in South Yorkshire but I have lived in the district for 35 years."



■ **GONE:** Jo Beavis was cabinet member for health for nine years

"Having been Deputy Cabinet Member for Health & Communities for five years I know and enjoy this district council can encourage resi-

portfolios. "I will be looking at how we as a district council can encourage resi-

dents to live healthier, happier and more independent lives through good planning, investment in health centres and open spaces and via health campaigning work to tackle some of the big health issues in our district.

"Personally I enjoy keeping active by walking, gardening and travelling but like most people I could do more. I look forward to the role and doing what I can to help residents live well in healthy and resilient communities."

Mr Tattersley's background is in environmental health, looking at how environmental influences can affect human health and disease.

Bill Rose, the deputy cabinet member for economic development, who was previously a non-voting member of the Cabinet, has become a full voting member.

CONTACT ME:

katherine.palmer@nqe.com
@katie_BWT

Mystery as Jo Beavis loses her cabinet role

■ Councillor stays tight-lipped over shock exit

By Katherine Palmer

QUESTIONS have been raised following a mystery role change at Braintree Council.

The responsibility for health across the district has changed hands after it was revealed at a cabinet meeting that Jo Beavis (right) had left the cabinet.

Councillor for Three Fields, Peter Tattersley, will be taking over from the Hedingham councillor, who had been cabinet member for health and communities since 2007.

Despite being contacted last Wednesday, the council is still unable to reveal the reasons behind Mrs Beavis losing her position.

Mrs Beavis, who lives in Gosfield, also said she did not wish to comment.

All other cabinet roles have stayed intact.

Council leader Graham Butland would only say that he welcomed Mr Tattersley's appointment.

Laurence Carter, Gosfield councillor, said the parish council had not been kept in the loop.

He said: "I don't know anything official, we are none the wiser."

"She seems to have good ideas and whether people agree on her politics or not is another kettle of fish."



I don't know anything official, we are none the wiser.

LAURENCE CARTER, GOSFIELD PARISH COUNCIL

She said it was "a leader's decision to make", and "would not have been kept in the loop". Tattersley, from Great Bardfield, said: "I was born in South Yorkshire but I have lived in the district for 35 years."

"Having been Deputy Cabinet Member for Health & Communities for five years I know and enjoy this portfolio."

"I will be looking at how we as a district council can encourage residents to live healthier, happier and more independent lives through good planning, investment in health centres and open spaces and via health campaigning work to tackle some of the big health issues in our district."

"Personally I enjoy keeping active by walking, gardening and travelling but like most people I could do more."

"I look forward to the role and doing what I can to help residents live well in healthy and resilient communities."

Mr Tattersley's background is in environmental health, looking at how environmental influences can affect human health and disease.

Bill Rose, the deputy cabinet member for economic development, who was previously a non-voting member of the Cabinet, has becomes a full voting

artist's work.

The exhibition will run until August 7.

Petrol pinched

THIEVES stole petrol from a truck.

Three cans of petrol were taken from a Toyota Hilux in Browns Park, Castle Hedingham at 12.31am last Monday.

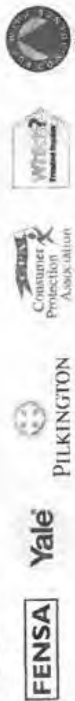
Anyone with information should contact police on 101.



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@ Unit 4, Chilford Court, Rayne Road, Braintree, Essex CM7 2Q5



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Police confirm no criminal probe into councillor

POLICE have confirmed there is no criminal investigation against a former councillor.

Jo Beavis resigned from Braintree Council following a council investigation into the spending of public money.

It was later reported that a police investigation into her spending had

taken place alongside the council investigation.

Mrs Beavis said: "I am pleased that Essex Police has informed me that there has been no criminal activity and therefore no case to be investigated."

"My solicitor, throughout the Braintree Council investigation, raised concerns about political inter-

ference in the process.

"The process should be devoid of political interference."

A police spokesman said: "An allegation of fraud was referred to us on February 12, 2019, and we reviewed the file."

"It was decided there was no case to investigate."

Mrs Beavis has since made a complaint to the Conservative Party, Essex Police and Braintree Council against a serving Braintree district councillor over alleged inappropriate behaviour.

A spokesman for Braintree Council said: "We have received correspondence from Mrs Beavis which

we are considering in line with the council's normal processes.

"The council has written to Mrs Beavis for clarification on a number of points in her correspondence, once this is received we will be in a position to consider the appropriate process for considering her correspondence."

Probe rules ex-councillor breached code of conduct

Improper actions denied over £1,380 grant made to company

By Alex Gidden

alexander.gidden@hewisquest.co.uk

A FORMER councillor found to have breached a code of conduct says she did not act improperly when awarding grant money to her own company.

An independent review conducted by Braintree Council found Jo Beavis breached councillor rules when she assigned public money worth £1,383.80 to the Braintree District Community Foundation, a company where she is the sole director.

The breach related to paragraph 7.1, which states: "You must not use or attempt to use your position as a member improperly or to confer on or secure for yourself or any other person an advantage or disadvantage".

Mrs Beavis resigned from her position as district councillor for the Hedinghams ward earlier this month and told the *Gazette* she had done so to focus on the future of a community-run shop in Gosfield.

The independent review into the grant, which was



DISPUTING RULING: Ex-district councillor Joanne Beavis

used to buy equipment for a community shop in Castle Hedingham in 2017, ruled that Mrs Beavis had made a false statement when she declared there were two directors working at the Braintree District Community Foundation.

dation when the money was handed over - herself and Caroline Burrows-Wren.

According to Companies House, Miss Burrows-Wren resigned from her role as director on November 13, 2017, just days after the community shop in Castle Hedingham opened.

Braintree Council says Mrs Beavis, who is also the county councillor for Halstead, does not accept the findings of the independent investigation.

In a statement, she said: "I was awarded a grant from Braintree Council to purchase a fridge and a freezer for the Castle Hedingham Village Shop. The fridge and the freezer were purchased."

"Braintree Council carried out an investigation on two parts of the application form."

"It found that on one part I did not act improperly and

I did not breach the Councillors' Code of Conduct," it found on the second part that I did commit a breach by putting both directors on the application form.

"As Miss Burrows-Wren was still a signatory on the bank account and listed as a director I believed that her name should appear on the application. I have apologised to Miss Burrows-Wren."

"I will making a personal donation to the Braintree District Foundation in order that the foundation will pay back the cost of the fridge and freezer, in full."

Braintree Council says Mrs Beavis would have been asked to attend a hearing with the standards sub-committee if she had remained a district councillor.

It is unclear whether she would have faced any disciplinary action.

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July 29, 2016

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COUNCILLOR **TIGHT-LIPPED**
OVER
CABINET
EXIT



P7

BLOOM JUDGING:
PICTURE SPECIAL



P16

STARS SUPPORT
BOY'S CHARITY



P3

TIMES Braintree and Witham Times



it has not been revealed why she left



Mystery as Jo is replaced on council front bench

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May 17, 2022



Sue Claydon Why has info been Removed

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Roy Blackburn BDC protect their own just like the council

Like Reply



Graham Butler shared Snarky in the Suburbs's photo.

1 hr · 🌐

Snarky in the Suburbs

Sunday at 22:00 · 🌐

Seriously.

Dance

like nobody is watching

Text and email

like it will be read in court someday



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Private Eye ... · 24 Jan

Did your elected representatives pay their council tax on time in 2016-17? The Eye's interactive map showing councillors who didn't settle their own bills on time is now updated:



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Graham ... · 02 Aug 17
**#philanthropist - a
person who seeks to
promote the welfare of
others, especially by
generous donation of
THEIR own money to
good causes.**

CONFIDENTIAL REPORT

-----Original message-----

From :

Date : 26/10/2018 - 23:16 (GMTDT)

To : [REDACTED]

Cc :

Subject : Community grants governance.

Dear Sam.

grant scheme

For information. I attended a meeting of the Governance Committee at Braintree District Council on Wednesday night.

To my surprise there was an item on the agenda headed: Councillor Grants Scheme. It seems that a review has been carried out lately of the Councillor Grants Scheme in

relation to ensuring that the Registered of Interests is checked against the applications. This is following the letter that was sent to all Councillors to explain that the

Terms and Conditions must be signed before and not after the grant money is transferred to successful organisation. In my pigeon hole today was a new copy of the scheme

guidance.

In summary it seems that Braintree District Council has made changes in parallel to my case. This is something that Stephen raised at our meeting. I think that we

should mention this in his letter as a recommendation to Braintree as good working practice to come as a result of my case.

Ie: Lack of communication and failure by the accountant to properly and professionally appraise me on the situation and the correct produce that should be followed

to acknowledge Caroline's resignation.

-----Original Message-----

From: Peter.tattersley [mailto:[Peter.tattersley@...](#)]
Sent: 06 August 2018 21:04
To: SJ Allen
Subject: Re: Cllr Grants.

grant scheme

Hello Julia

Ian was asked to contact you to discuss these issues.

If he has not done so, I will chase up.

Andy Wright is on holiday so I have no direct influence until he returns.

Sent from my iPad
Peter

> On 6 Aug 2018, at 20:45, SJ Allen <[...@...](#)> wrote:
>
> Dear Peter,
>
> Just to confirm our conversation last week.
>
> I have not heard from Moira as yet so I'm guessing she is still on leave.
>
> My concerns are: Ian Hunt is asking to see all applications but this (I don't believe) is something that has always been the practice followed.
>
> David Hume was strongly advised not to support an application as he is President of the funding group but other applications with similar connections have been approved.
>
> The Terms & Conditions are sent out to be signed once funding has been given and not before.
>
> Once I have spoken with Moira I will update you further.
>
> Kind regards
>

CONFIDENTIAL REPORT

-----Original message-----

From :
Date : 30/08/2018 - 13:39 (GMTDT)
To : [REDACTED]
Subject : Fwd: Councillors' Community Grants

grant scheme

Dear Sam. I thought this would be helpful as background. Changes to the Councillors Community Grant Scheme.
My best. JO.

-----Original message-----

From :
Date : 29/08/2018 - 22:55 (GMTDT)
To :
Subject : Fwd: Councillors' Community Grants

Sent from my iPad

Begin forwarded message:

From: "Groborz, Moira" <moira.groborz@braintree.gov.uk>
Date: 28 August 2018 at 14:56:55 BST
To: All Councillors <AllCouncillors@braintree.gov.uk>
Cc: "Parry, Tracey" <tracey.parry@braintree.gov.uk>
Subject: Councillors' Community Grants

Dear Councillors

The Grants Panel has been reviewing the documentation and processes for the Councillors' Community Grants scheme. At present grants are paid to the groups and they are then sent a terms and conditions document to sign and return. Some groups have taken a while to do this so from September the terms and conditions document will be sent out and payment of the grant will only be made when the signed T & C document has been received. We don't anticipate that this change will delay the process for very long but it does ensure the organisations fully understand what is required of them before accepting the grant. You shouldn't notice any change of process from

your side

Minor changes will also be made to the guidance booklet and application form but the criteria remains the same. Copies of both will be provided to you in due course.

CONFIDENTIAL REPORT

From .

Date : 13/07/2018 - 22:11 (GMT+01)

To : [REDACTED]

Subject : Fwd: Councillor grant for HinB

Dear Sam.

Could you please keep this on file please. It is quite significant I believe. What it demonstrates is that Councillors are being written to by the Monitoring/Legal Team at Braintree District Council to determine if they have interests with the Councillors Grant Scheme and indeed some are being advised strongly advised not to support a scheme if it is deemed that their interest is significant. If this process is fair; why was I never contacted by the Monitoring/Legal Team. My application went through the monitoring process and the framework for the grant scheme and approved and paid.

What I am also struggling to understand at this time is, if Ian Hunt is not taking action as me as a Director of the Foundation and we must not forget that when I signed the piece regarding the directors and the bank signing details (which was the Director part of the application form) then how can Ian keep pursuing this issue? I signed that piece as a Director and not a Councillor?

The above and the below would all have the opportunity to come out in the independent inquiry?

My best. Kind regards. JO.

From: Jackie Pell

Date: 12 July 2018 at 21:05:13 BST

To: DAVID HUME

Cc: Julia Allen

Stephen Kirby

Subject: Re: Councillor grant for HinB

Best advice. I have been spoken to by Emma and my interest is ok being a member of the partnership representing the public gardens.

Jackie

Sent from my iPad

On 12 Jul 2018, at 20:48, DAVID HUME

wrote:

Dear all

all 8 Hume grants - advice given

CONFIDENTIAL REPORT

I have been advised strongly by Emma Wisby that my role as President of Halstead In Bloom would be regarded as a substantial NPI such that I would be unwise to go ahead with my support for the grant which we were to share. I am taking her advice.

With best wishes
David



Virus-free.

0

£1,100.00

Kind regards
Moira

Johnson grant & resolution

From: Cllr.JBeavis@braintree.gov.uk<mailto:Cllr.JBeavis@braintree.gov.uk> [mailto:cllr.jbeavis@braintree.gov.uk]
Sent: 21 August 2018 10:20 PM
To: Groborz, Moira <moira.groborz@braintree.gov.uk<mailto:moira.groborz@braintree.gov.uk>>
Cc: cllr.hjohnson@braintree.gov.uk<mailto:cllr.hjohnson@braintree.gov.uk>; Parry, Tracey
<tracey.parry@braintree.gov.uk<mailto:tracey.parry@braintree.gov.uk>>
Subject: Re: Councillors' Community Grant

Dear Moira,

I met Cllr. Johnson last night and we talked through this grant application. I'd like to assure you please that I certainly did not speak to Sible Hedingham PC regarding this grant at all. This is a grant application that Cllr. Johnson led on. I'm not comfortable at all that this is seemingly a retrospective application and as far as I am concerned the money should be returned in full. Sible Hedingham PC would then be able to reapply to Cllr. Johnson and/or I to consider other projects. Sible Hedingham PC have the luxury of good surpluses I believe so this issue should be able to be rectified.

Would you please therefore email Cllr. Johnson and I setting out what grant funds are left available to us as the Hedinghams Ward Cllrs. so that we can assess the current state of our balances.

My thanks and kind regards. JO.
Sent from my iPad

On 9 Aug 2018, at 14:13, Groborz, Moira
<moira.groborz@braintree.gov.uk<mailto:moira.groborz@braintree.gov.uk>> wrote:
Dear Councillors

Sible Hedingham Parish Council received a grant of £1,500 from your allocation last month. As part of the process every recipient organisation is asked to sign terms and conditions relating to the use of the grant. When the clerk returned this document she enclosed a number of receipts that were for the work and items that the grant was given for. The dates on the receipts range from 5 May to 9 July. We only received the grant application on 9 July and you have dated your part of the form as 7 June (Cllr. Johnson) and 1 July (Cllr. Beavis). This would therefore be

CONFIDENTIAL REPORT

retrospective funding which isn't allowable under the grant scheme. The clerk phoned to explain that the PC Chairman had actioned the work following a conversation with one of you who had said they would receive the grant. However, since the earliest signature dates to early June the receipts show work taking place on 5 May. Are either of you able to clarify what happened, please, or if there are any other factors relating to the grant other than those outlined above?

Kind regards

Moirá

Moirá Groborz
Community Services Officer

Braintree District Council, Causeway House, Bocking End, Braintree, Essex, CM7 9HB
01376 552525 ext 2329 Mobile No : 07801 890107 www.braintree.gov.uk <<http://www.braintree.gov.uk>> |
moira.groborz@braintree.gov.uk <<mailto:moira.groborz@braintree.gov.uk>>

Moirá Groborz
Community Services Officer
<image001.jpg>

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All communications sent to or from the Council may be subject to recording and/or monitoring in accordance with relevant legislation.

CONFIDENTIAL REPORT

-----Original message-----

From : [REDACTED]

Date : 02/11/2018 - 17:33 (GMTST)

To : ian.hunt@braintree.gov.uk, andy.wright@braintree.gov.uk

Cc : [REDACTED]

Subject : Our Client: Cllr Beavis Ref Holmes & Hills LLP:MA:203602.0010

Delays



Dear Ian

I refer to your email of 18 October in which you stated (in the context of discussions about a possible informal remedy) "Separate to the investigation process should you wish to meet this can be arranged."

I have sent you three subsequent emails (four including this one) accepting that offer and seeking to arrange a meeting. I have not received the courtesy of a reply to any of those emails.

In the meantime, the formal investigation continues, which amongst other things, means the council is continuing to incur costs.

This suggests to me that you did not, in fact, have any intention of meeting with us, and that you are happy for the formal investigation to continue, regardless of the potential for resolving this informally and saving cost for the council.

This is a particularly disappointing stance to have taken and I fully reserve my client's right to raise this issue further in due course. Nevertheless, if I have in any way misinterpreted your complete lack of communication, do feel free to contact me by return. My client remains open to discussing matters on a without prejudice basis should you wish to engage. In the absence of a response, we will draw the inference that you have no desire to try to resolve this matter informally.

Kind regards

Samuel Bawden
Partner
Civil Litigation Team

[REDACTED]
Holmes & Hills LLP
96 North Street, Sudbury, Suffolk, CO10 1RF

----- Original Message -----

From: Samuel Bawden

To: ian.hunt@braintree.gov.uk

Cc:

Sent: Thursday, 4 Oct, 2018 at 18:46

Subject: FW: FW: RE: RE: RE: Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010

Delays



Dear Ian

Please excuse the blunt question, but is there a reason why you have not yet replied to my emails below?

We are willing to work with you to try to resolve this matter. If we are able to do so, there will be a (presumably considerable) cost saving to the council in that a full investigation will be unnecessary.

I do however need to hear from you to move this forward. I will be available tomorrow and am happy to call you at a convenient time if that helps.

Regards

CONFIDENTIAL REPORT

-----Original message-----

From : [REDACTED]

Date : 29/10/2018 - 16:19 (GMTST)

To : ian.hunt@braintree.gov.uk

Cc : andy.wright@braintree.gov.uk

Subject : RE: RE: Re: URGENT - Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010

Delays



Dear Ian

WITHOUT PREJUDICE

I would appreciate the courtesy of a response to my emails below.

It was your suggestion that we try to seek an informal resolution, which we have tried to engage with. You have offered a face to face meeting, which we have said yes to. However, we need you to confirm your availability if that is to happen.

Can you please therefore confirm when you are available during the next week. As previously indicated, we can host the meeting at this firm's Halstead office.

I look forward to your prompt response.

Regards

Samuel Bawden
Partner
Civil Litigation Team
[REDACTED]

Holmes & Hills LLP
96 North Street, Sudbury, Suffolk, CO10 1RF

Tel: 01787 275275

----- Original Message -----

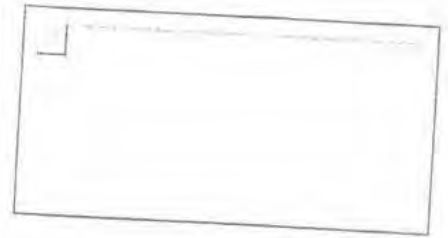
From: Samuel Bawden

To: ian.hunt@braintree.gov.uk;

Sent: Friday, 5 Oct, 2018 at 17:51

Subject: FW: FW: FW: RE: RE: RE: Our Client: Cllr Joanne Beavis Ref Holmes & Hills
LLP:MA:203602.0010

Delays



Ian

I would appreciate the courtesy of a response, please.

A new date has been set to meet with Stephen (19 October). If we are to resolve this matter informally, which I think must be the preferable option for the Council as well as my client, we need you to speak to us.

You have stated that you cannot accept the form of words previously offered but I have genuine questions about precisely what you need us to address. These are questions that I cannot answer and Cllr Beavis instructs me that she cannot answer, until we have some clarification.

I do therefore hope to hear from you promptly.

Regards

CONFIDENTIAL REPORT

-----Original Message-----

From : [REDACTED]

Date : 18/10 2018 - 14:27 (GMTDT)

To : [REDACTED]

Cc : [REDACTED]

Subject: URGENT - Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010



Dear Ian

I write further to my without prejudice email of yesterday.

I repeat my disappointment with the content of your own email of yesterday, to which I note I have not had the courtesy of a reply.

My client now has severe reservations, which had already been growing, about the investigation process. It was you that suggested trying to agree an informal resolution and we have answered the latest questions that you posed in relation to the same. As I pointed out yesterday, we have only received a very non-specific response from you, which seems to depart from your previous position (or if it does not, you have certainly not explained why that is the case).

My client believes she is being singled out for criticism and that this may be politically motivated. My client has spent time and money trying to engage (at your suggestion) on a without prejudice basis to seek to resolve this matter, but you have changed your stance at the last minute. There does appear to be a lack of good faith.

In the circumstances I am now instructed to consider whether the investigation may be subject of judicial review.

My client therefore feels that to proceed with the meeting with Stephen Pearson tomorrow would be inappropriate. Instead, we ask, that you (and possibly the Chief Executive) meet with my client and me to discuss the process and whether there is in fact potential for an informal resolution as we had been led to believe would be the case.

In view of the proposed meeting tomorrow, will you please confirm your position by return.

I am not in the office today but will be monitoring emails periodically.

----- Original Message -----

From: Samuel Bawden

To: Hunt, Ian

Cc

Sent: Friday, 28 Sep, 2018 at 14:45

Subject: RE: RE: RE: Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP;MA:203602.0010



Dear Ian

WITHOUT PREJUDICE

Delays

I have been discussing your email below with Cllr Beavis.

In order to be sure that we can properly address your concerns, and provide a full and sufficiently detailed response, **we need to know precisely what your concerns are.**

It would help me immensely if you could be a bit more specific with some of the points you have made. I say this because I am not sure I have seen some of the documents, or been made aware of some of the discussions, that you seem to be referring to. I have queried this with Cllr Beavis but she is also unsure as to some of the points you have raised.

Please note that there is a genuine willingness to see whether this matter can be resolved amicably but we do need to understand the issues that are being put to us.

The purpose of this statement is to further clarify the position of Mrs Joanne Beavis and to offer an apology to Ms Caroline Burrows-Wren and Braintree District Council.

My statement is given in relation to the Braintree District Foundation Community Interest Company ("the CIC")'s application for funding, which was submitted to Braintree District Council ("BDC") on 25th March 2018 (and which was successful). I am, and was at the time, a Director of the CIC and signed Part A of the Declaration section of the application form in that capacity (Part B was signed in my capacity as a Ward Councillor – a position I no longer hold).

It has been brought to my attention that the application form contained two potential factual inaccuracies. These inaccuracies were as follows:

- 1). It was stated that Ms Caroline Burrows-Wren was a Director (whereas I now understand that she had in fact resigned prior to the form being signed); and
- 2). It was stated that two signatures were required to authorise all payments from the CIC's bank account.

It is suggested that by signing the application form to confirm that these statements were true, I committed a breach of section 7.1 of the Councillors' Code of Conduct ("the Code").

The purpose of my statement is to categorically refute that I ever intended to breach the Code. However, I do acknowledge that the first inaccuracy can be seen as a breach for the reasons I set out below. I wish to offer my sincere apologies for the inaccuracies within the CIC's application form and I will outline what I intend to do to rectify the situation. I had been a proud Member of BDC for nearly 16 years; I have held senior positions of Office and have always endeavoured to uphold the reputation of BDC and its Governance Framework. Please note that I have never been in breach before and my record is without blemish.

Whatever has happened in this instance is the result of a misunderstanding on my part.

Nevertheless, I appreciate that my action can be interpreted as a breach of the Code and as a consequence I intend to repay the grant, in full, to BDC. I hope that this goes some way to demonstrate that I never intended to breach the Code.

In relation to point 2 (above) Mr Pearson stated: "On balance I find that Cllr. Beavis did not act improperly with respect to her claims in regard to the requirements and existence of 2 financial signatories and is not in breach of paragraph 7.1. of the Code of Conduct in this respect."

In relation to point 1 (above) I genuinely believed that Ms Caroline Burrows –Wren was still a Director of the CIC at the time of the application. I believed this for the following reasons:

- 1) There is evidence to confirm that I was never formally advised by the CIC's accountant of her resignation – I rely on his professional advice and guidance. There was no formal handover meeting and no official changes were made to the CIC's internal governance structure.
- 2) Ms Caroline Burrows-Wren was still a signatory on the CIC bank account and visiting the bank to collect the bank statements for information and interest. This continued for some time after the application had been submitted.
- 3) Whilst Ms Caroline Burrows Wren had verbally told me that she was resigning she had done this before but never ceased to be a Director. Ms Caroline Burrows-Wren also asked for "a month or so breathing space" in early 2018.

However, I now accept that there is publically available information at Companies House that indicates that Ms Caroline Burrows-Wren had ceased to be a Director.

I therefore now understand why Ms Caroline Burrows-Wren submitted her complaint to BDC and wish to sincerely apologise for any distress caused.

I would like to take this opportunity to personally thank Ms Caroline Burrows-Wren for her support and experience in establishing the CIC in partnership with me. Ms Caroline Burrows-Wren is local to the Braintree District and has a long and recognised track record in supporting her community with an energy and compassion that I fully recognise and admire. I repeat again my sorrow at having caused any distress, it was not an intentional act but a misunderstanding on my part and I hope that I have been able to explain how this came about.

CONFIDENTIAL REPORT

evertheless, if you would like me to send a final message, can I suggest the following revised draft:

Dear Ian,

Informal Solution

I thank you for your email

[REDACTED]

[REDACTED] However, it does seem that every time we answer your questions you move position. You have accepted this is not about clause 7.2 but solely in reference to clause 7.1, namely the prohibition on a member using their position "...improperly to confer on or secure for [them]self or any other person, an advantage or disadvantage"

We have answered this accusation, and dealt with the queries you have raised regarding the available evidence. It is in the interests of justice that you indicate to us why you continue to comment in terms such as 'The subsequent draft again is some way from where I would expect to be in an informal resolution'. This is non-specific and therefore does not give my client the opportunity to properly address your concerns.

I am well aware that there is no right to demand an informal resolution, or to suspend the formal investigation while informal discussions are held. However, you gave my client a clear indication that an informal resolution was an option. She has spent considerable time and money attempting to engage in that process, which you have then closed down without providing a proper explanation as to why you have done that. Every time we have tried to engage, our response has been met by delay and then by an evasive reply. This further reinforces my client's interpretation that this is a politically motivated challenge with no substance.

At the final time, before we consider further action against the Council, we request that an informal meeting, with the Chief Executive present, is held.

Yours sincerely,

Samuel Bawden
Partner
Civil Litigation Team

[REDACTED]
Holmes & Hills LLP
96 North Street, Sudbury, Suffolk, CO10 1RF

Tel: 01787 275275

Fax: 01378 342156

Email: [REDACTED]

www.holmesandhills.co.uk

IMPORTANT NOTICE

From: R BEAVIS [mailto:[REDACTED]]
Sent: 12 November 2018 07:12

CONFIDENTIAL REPORT

---Original message---

From : [REDACTED]
Date : 18/10/2018 - 17:26 (GMTDT)
To : ian.hunt@braintree.gov.uk
Cc : andy.wright@braintree.gov.uk
Subject : Re: URGENT - Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010



Ian

We accept your offer of a meeting, at which we will discuss these issues further and the possibility of resolving the matter informally.

Please provide a list of possible dates/times. We can host the meeting at one of my firm's offices.

Thanks

Get Outlook for iOS

Samuel Bawden
Partner
Civil Litigation Team
DDI: [REDACTED]

Holmes & Hills LLP
96 North Street, Sudbury, Suffolk, CO10 1RF

Tel. 01787 275275

Fax: 01376 342156

Email: [REDACTED]

www: [REDACTED]

IMPORTANT NOTICE

----- Original Message -----

From: Samuel Bawden

To: ian.hunt@braintree.gov.uk

Cc:

Sent: Friday, 7 Sep, 2018 at 08:58

Subject: RE: RE: RE: RE: Our Client: Cllr Joanne Beavis Ref Holmes & Hills LLP:MA:203602.0010



Dear Ian

INFORMAL solution

WITHOUT PREJUDICE

I do not appear to have received a reply to my email of 31 August. I know you were away but in view of the fact that my client is scheduled to speak with Stephen Pearson on 24 September, I wonder whether we could discuss the content of my email as a matter of priority. If you have any issues with the proposed wording then perhaps we could meet, with my client also in attendance, with a view to ironing out any differences? Please confirm your preferences in that respect.

On a related matter I have instructions to send you an open email about a recent email from Cllr Butland to Cllr Beavis. My client does not wish to cause further complication if we are able to agree an informal remedy but does feel that matter is relevant.

Kind regards

CONFIDENTIAL REPORT

-----Original message-----

From : [REDACTED]

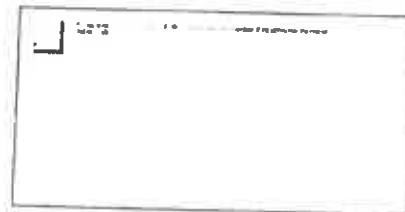
Date : 17/10/2018 - 17:18 (GMTDT)

To : ian.hunt@braintree.gov.uk

Cc :

Subject : RE: Cllr Beavis Ref Holmes & Hills LLP:MA:203602.0010

informal settlement



Ian

WITHOUT PREJUDICE

With respect, your email below is frustrating to say the least.

We supplied an initial draft, which you said was unacceptable. You gave a number of reasons which were quite vague. I asked you to clarify what you meant and to direct us to the documents you were very loosely referring to. After weeks of chasing, you finally provided a succinct list of issues and directed me to several documents. You confirmed that they dealt with all of your concerns about the previous draft statement.

We have now answered the additional points you have raised. However, rather than saying what, specifically, you d unacceptable about the new text that has been inserted, you have returned to a sweeping statement that "it does not adequately address the concerns raised."

Please confirm, specifically, where you feel the additional text is unacceptable. If you wish to make proposed changes by way of track changes then I will take instructions.

In the absence of constructive dialogue which moves the proposed informal resolution forward (something that I must remind you was initially suggested by you) I will find it hard not to conclude that your suggestion of attempting to agree an informal resolution was disingenuous and an enormous waste of time and costs (both for my client and the council).

I await to hear from you and fully reserve my client's rights in relation to the above.

Samuel Bawden
Partner
Civil Litigation Team

CONFIDENTIAL REPORT

From: [REDACTED]
Sent date: 08/01/2019 - 10:35
To: lan.hunt@braintree.gov.uk
Cc:
Subject: Our Client: Cllr Joanne Beavis Ref Holmes & Hills
LLP:MA:203602.0010
Attachments: 2978871 Draft Statement to BDC WP [3] 08 01 19.docx
16.5 KB

Holmes & Hills LLP
[REDACTED]

INFORMAL STATEMENT

Dear Ian

WITHOUT PREJUDICE

Having not received a reply to my email of 2 January 2019, I have been instructed to offer you the attached draft statement as a way of informally resolving this matter.

My client has reflected on your previous concerns and I hope this now addresses them.

We await your comments.

Regards

Samuel Bawden
Partner
Civil Litigation Team
DDI: [REDACTED]

Holmes & Hills LLP
96 North Street, Sudbury, Suffolk, CO10 1RF

Tel: 01787 275275

Fax: 01378 342156

Email: [REDACTED]

www: [REDACTED]

CONFIDENTIAL REPORT

---Original message---

From : [REDACTED]

Date : 07/11/2018 - 16:07 (GMTST)

To : andy.wright@braintree.gov.uk

Cc :

Subject : RE: Our Client: Cllr Beavis Ref Holmes & Hills LLP:MA:203602.0010

informal settlement



Dear Mr Wright

I represent Cllr Beavis in relation to Braintree District Council (BDC)'s current investigation as to whether she is in breach of its Code of Conduct. I have previously copied you into some of the email exchanges that I have had with Ian Hunt.

As you can see from my last email to Mr Hunt (timed at 17:33 on 2 November 2018) we are keen to try to resolve this matter on an informal and professional basis. We do not believe there is a substantive case to answer and are surprised that BDC are pursuing the matter in the manner they have undertaken. My understanding is that other local authorities would ordinarily have dealt with such matters by way of a meeting between all parties, to enable a quick and effective resolution. My client is of the firm belief that there is a personal and political agenda behind this investigation. The fact that BDC are taking heavy steps to deal with what appears to be a relatively straightforward issue does support that view.

As senior accountable officer I believe it is necessary for you to take an active interest in this case. I would be pleased to meet with you, and others as appropriate, at your earliest convenience to discuss this.

Yours sincerely

Samuel Bawden
Partner
Civil Litigation Team
DDI: [REDACTED]

Holmes & Hills LLP
96 North Street, Sudbury, Suffolk, CO10 1RF

Tel: 01787 275275

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Email: [REDACTED]

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IMPORTANT NOTICE

DDI: [REDACTED]

CONFIDENTIAL REPORT

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96 North Street, Sudbury, Suffolk CO10 1RF

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IMPORTANT NOTICE

new formal solution

From: Hunt, Ian [mailto:ian.hunt@braintree.gov.uk]

Sent: 17 October 2018 16:22

To: Samuel Bawden <[REDACTED]>

Subject: RE: Cllr Beavis Ref Holmes & Hills LLP:MA:203602.0010

Dear Sam

Thank you for the draft and the comments attached.

In reading the draft carefully and the commentary you additionally supplied I believe it would be prudent for Friday to proceed as planned.

In reviewing the statement in its totality together with the comments there is very limited acceptance that the actions of Councillor Beavis engage the Code of Conduct. Given where we are, I believe that the statement does not adequately address the concerns raised, and therefore given where we are the independent assessment would constitute a more robust resolution for both sides.

If you wish to review this further please let me know, however I trust that the meeting on Friday can proceed.

Yours

Ian

[REDACTED]

Ian Hunt

Head of Governance

Braintree District Council | Causeway House, Bocking End, Braintree, CM7 9HB

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www.braintree.gov.uk/register-to-vote

YOUR VOTE MATTERS

DON'T LOSE IT

From: Samuel Bawden <[REDACTED]>

Sent: 17 October 2018 8:35 AM

To: Hunt, Ian

Cc:

Subject: RE: Cllr Beavis Ref Holmes & Hills LLP:MA:203602.0010

Importance: High

17 APR 2020

STATEMENT FRONT COVER

Name:	Caroline Burrows-Wren
Position Held	Witness

wilkin chapman llp
solicitors

Cartergate House,
26 Chantry Lane,
Grimsby
DN31 2LJ

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STATEMENT of: Caroline Burrows-Wren

1. I am a former Director of Braintree District Community Foundation CIG. When established in November 2015 the Foundation had two Directors, me and Councillor Joanne Beavis. I resigned from the position in November 2017.
2. I understand that Wilkin Chapman Solicitors have been engaged by the Council's Monitoring Officer to investigate a complaint regarding Councillor Butland's conduct.
3. In April 2018 I received correspondence from the District Council regarding a successful grant application submitted by the Foundation. I was concerned that the grant appeared to have been made in my name when I was no longer a Director of the Foundation.
4. As I was concerned about this I Googled 'Leader of Braintree District Council' and obtained the contact details of Councillor Butland. At that time, I had no knowledge of Councillor Butland having never had any reason to deal with him. I sent an email to Councillor Butland on 14 April 2018 expressing my concern.
5. I received a response from Councillor Butland in which he explained that he could not deal with the matter but would refer it to Ian Hunt.
6. After my initial email to Councillor Butland all contact between me and the Council was through Ian Hunt as Councillor Butland had made it clear that he could not deal with the matter. Sometime later I was contacted by Mr Stephen Pearson who was looking into the complaint on behalf of the Council.
7. The first time I actually met Councillor Butland was in June 2019 at the Volunteer Awards. This was over a year after I had contacted him with my concerns.

I Caroline Burrows-Wren declare that this statement is true and accurate to the best of my knowledge and belief.

Signature

Date

9th April 2020

**STATEMENT
FRONT COVER**

Name:	Councillor John McKee
Position Held	Witness

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STATEMENT of: Councillor John McKee

1. I am an elected member of Braintree District Council having been first elected in May 2007. Prior to being appointed to serve on the Council's Cabinet in 2012 I was the Deputy Cabinet Member for Finance. Since 2012 I have held a number of Cabinet roles and currently hold the portfolio for Corporate Transformation. Since 2018 I have held the position of Chairman of the Braintree Conservative Association. In 2011 I was appointed by the Council as a Trustee of the Braintree District Museum Trust to help sort out their finances. Prior to retirement about 18 months ago I was employed running finance teams most recently the UK team at SAS Data.
2. I understand that Wilkin Chapman Solicitors have been engaged by the Council's Monitoring Officer to investigate a complaint regarding Councillor Butland's conduct which includes allegations of bullying. This relates to an email received out of the blue by Councillor Butland from Caroline Burrows-Wren.
3. I know the email caused concern to Councillor Butland as it referred to what could appear to be an accidental or deliberate fraudulent grant application. Councillor Butland was concerned about the potential impact this could have on the reputation of the Council and the Conservative Group.
4. I attended a meeting in the Leader's Office at the Council offices on 15 June 2018. Also present were Councillor Butland, Councillor Beavis and Councillor Dick Madden. I was present at the invitation of Councillor Butland, Councillor Beavis was accompanied by Councillor Madden, a member of Essex County Council. The purpose of the meeting was to give Councillor Beavis the opportunity to respond to the allegations in the email from Ms Burrows-Wren.
5. The possible outcome could have been the suspension of Councillor Beavis from the Conservative Group pending the outcome of the investigation into the allegations. For what I believe to be logical reasons Councillor Butland decided not to take any action. I believe Councillor Butland had regard to the history of complaints made by Councillor Beavis and that any action he took would result in her making a complaint

of bullying by him.

6. I do know that Councillor Butland was emotional during the meeting. Councillor Beavis continually challenged the issues raised in the email and denied the allegations made. At one point Councillor Madden, who was supporting her, took her outside of the room to have a private discussion with her. When they returned Councillor Beavis continued on the same tack until Councillor Madden intervened and said "*just read the paper*". To which she read a none committal statement.
7. In a private conversation with Councillor Madden and Councillor Butland after the meeting Councillor Madden said he couldn't understand why, with the evidence provided, she had not been suspended. Councillor Madden also couldn't understand why the matter had not been referred to the police as a potential case of fraud.
8. Councillor Butland was clearly distressed by the matter and concerned about the possibility of allegations being made against him. At no point during the meeting was Councillor Butland confrontational.
9. It was evident that Councillor Madden was frustrated by Councillor Beavis' conduct during the meeting. I believe that all Caroline Burrows-Wren wanted was an acknowledgement from Councillor Beavis that the grant application was inaccurate. Had that been forthcoming at that meeting I believe this could have been resolved satisfactorily.

I John McKee declare that this statement is true and accurate to the best of my knowledge and belief.

Signed

...Date

8th APRIL 2020

STATEMENT FRONT COVER

Name:	Councillor Dick Madden
Position Held	Witness

wilkin chapman llp
solicitors

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26 Chantry Lane,
Grimsby
DN31 2LJ

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STATEMENT of: Councillor Dick Madden

1. I am an elected member of Essex County Council having been first elected in June 2011. In May 2013 I was appointed to the County Council's Cabinet with responsibility for Children and Families, in May 2019 I took over as the Cabinet Member for Performance, Business Planning and Partnerships. Prior to retirement I was an officer in Essex Police achieving the rank of Chief Superintendent.
2. I understand that Wilkin Chapman Solicitors have been engaged by the District Council's Monitoring Officer to investigate a complaint regarding Councillor Butland's conduct which includes allegations of bullying. This relates to a complaint made by Councillor Beavis who at the time was both a District and County Councillor.
3. I have known Councillor Butland since I was elected to the County Council in 2011 as he is also a County Councillor.
4. I requested to see Councillor Beavis in June 2018 in my capacity as Chief Whip for the Conservative Group on the County Council, the Whip having responsibility for party discipline, conduct etc. The complaint against her had come to our attention and we wanted to discuss the matter with her from the County Council's perspective. At this meeting Councillor Beavis asked if I would accompany her to a meeting at the District Council, that was 15 June 2018.
5. I explained to Councillor Beavis how the meeting should go and that she should restrict her comments to making a statement. We attended the meeting which had been called by Councillor Butland as Leader of the Conservative Group on the District Council; he was also Leader of the Council. Also in attendance was District Councillor John McKee supporting Councillor Butland.
6. Once the meeting commenced Councillor Beavis continued to stray from her statement. I asked permission that the meeting be adjourned whilst I had the opportunity to speak to Councillor Beavis outside the meeting room. I took her out

and told her that she should focus on the short statement. When we returned to the meeting she did generally keep to the agreed statement.

7. The meeting was properly conducted and it was clearly explained that they were dealing with the matter in respect of the Braintree Council Conservative Group. It was also explained that the actual complaint was being dealt with by the Council's Monitoring Officer. The outcome of the meeting was that no further action would be taken. This was fully explained to Councillor Beavis.
8. In my opinion Councillor Beavis needed to take the advice that was being offered to her.
9. The meeting was not confrontational, in fact I thought it was very constructive. There was definitely no intimidation or bullying. Clearly Councillor Beavis found the situation emotional but that was not due to the conduct of those at the meeting.
10. At the conclusion of the meeting Councillor Butland stated he did not intend to withdraw the Conservative Whip or take any other action against Councillor Beavis until such time as he received the outcome of the Council's Monitoring Officer's findings.
11. After the meeting I did prepare a report for the Leader of the County Council.

I Councillor Dick Madden declare that this statement is true and accurate to the best of my knowledge and belief.

Signed

.....Date07.04.2020.....

17 APR 2020

wilkin chapman llp

STATEMENT of: Councillor Wendy Schmitt

1. I am an elected member of Braintree District Council having been first elected in 2004. I was previously involved in politics as a Councillor in the early 1970's. I have been a member of the Council's Cabinet since 2005 holding various roles. I am currently the Portfolio Holder for Environment and Place. I was Deputy Leader of the Council for six years.
2. I understand that Wilkin Chapman Solicitors have been engaged by the Council's Monitoring Officer to investigate a complaint submitted by Councillor Beavis regarding Councillor Butland's conduct which includes allegations of bullying and influencing an investigation.
3. The history of the breakdown in the relationship between Councillor Butland and Councillor Beavis goes back some years to about 2014. At the time the then Member of Parliament for the Braintree area resigned and Councillor Beavis and others had aspirations to be selected for the vacant seat.
4. During the selection process for the prospective candidate there was extensive communication with Conservative Central Office by those aspiring to be selected for the seat. After much conflict locally the local Association was put into special measures and Central Office stepped in and took over the selection process. The atmosphere within the local association became very unpleasant. Councillor Butland found himself in the middle of the conflict as one of those who aspired to be selected for the seat wanted him to write to Central Office regarding the selection process which Councillor Butland declined to do.
5. Things continued to deteriorate and when a new Council was elected in 2016 there was a group of Conservative Councillors, including Councillor Beavis, who thought they could run the Council better than the current leadership. These Councillors began a campaign to gain support for a leadership challenge. In doing so they engaged in activity that was in breach of the Conservative Group's rules.

6. At this time Councillor Butland had already been elected as Leader of the Group but due to the challenge he decided to stand down to allow another election to take place. Councillor Butland was duly re-elected as leader of the Group.
7. As those challenging the leadership had engaged in activity which was in breach of the Group's rules a meeting was called to interview three of the Councillors who had been involved in the challenge. This meeting was held in 2017.
8. At the time I was Deputy Leader of the Group (and of the Council) and together with Councillor Tattersley, who was the Group Whip, we interviewed the three Councillors. Councillor Beavis was the first to be interviewed by us. I was aware that Councillor Beavis had recently been unwell so I began by asking her if she was well enough to continue with the interview. She assured us she was.
9. When Councillor Beavis was asked if she was aware that the activity she and the others had been engaged in was contrary to the Group Rules, she responded by saying that she had had a telephone conversation with one of the others regarding a specific rule and so she made sure that she only spoke on general matters. She said that she was not involved with the invitations. When the other parties were interviewed it was put to them what Councillor Beavis had said. Their reaction was one of outrage that their colleague had dropped them in it without any warning.
10. For some time prior to these incidents I had been aware of Councillor Beavis' political ambitions and at times had been concerned for her. At meetings she often made long rambling speeches and I noticed that opposition Councillors would sometimes openly laugh at her. I tried to help her, even inviting her to my home on one occasion to try to provide some advice and guidance. I suggested training in public speaking which I was prepared to arrange. She declined my help.
11. There was also conflict between Councillor Beavis and Councillor Butland during 2016 over the selection for the County Council elections to be held in 2017. I knew that there was competition for some of the seats. I reluctantly allowed my name to be put forward as a paper candidate to ensure all seats were contested. Councillor Butland was at the time the County Councillor for Braintree Town Division which

had seen a decline in the conservative vote over previous elections. His preference was a seat that had now become vacant as this was part of his District Council Ward.

12. The result of the selection was that Councillor Beavis was selected for the seat Councillor Butland wanted. I know Councillor Butland was upset by this decision as the interview had not been conducted correctly under Party Rules and that he had telephoned Councillor Beavis to ask her if they could exchange seats. This contributed to the breakdown of the relationship.
13. Over time Councillor Beavis' conduct became more problematic as she interfered in the Portfolios of other Cabinet Members and in the Wards of other Councillors. It got to the stage where other Members of the Cabinet felt they could no longer work with her. This resulted in her being removed from the Cabinet.
14. I have worked with Councillor Butland for many years as a Cabinet Member and have found him to be a very good Leader. He allows the Cabinet Members to get on with their responsibilities with little interference. If anything goes wrong his first reaction is to ask officers if there is a problem rather than apportioning blame. I have on occasion had a difference of opinion with him, in particular if I am being the devil's advocate. His reaction is always positive in that he will listen to ideas and discuss, he may not agree, but I have always found it amicable.
15. With regard to the complaint submitted by Ms Burrows-Wren I was made aware of this by Councillor Butland in a private conversation following one of the weekly meetings of Cabinet Members and officers. At the time I was Deputy Leader of the Council, one of Councillor Butland's strengths was keeping me, as his Deputy, fully informed.
16. He asked me if the name Burrows-Wren meant anything to me. I said, *"yes it's the lady who set up something with Jo [Councillor Beavis] there was a picture in the paper"*. He then showed me correspondence that he had received. It indicated that a Councillor Community Grant that Councillor Beavis had applied for may not have reflected true facts and that if so it should not have been granted. He said he was concerned about some bank statements he had also received which showed transactions that did not appear to be relevant to the account, such as

supermarkets etc. He asked if I knew what Pandora and other outlets were. I explained these were ladies clothing suppliers. There was also a payment for a spa resort.

17. Councillor Butland then informed me that he was not going to *"touch this with a barge pole"* and was going to pass it to the Council's Monitoring Officer for investigation.

I Wendy Schmitt declare that this statement is true and accurate to the best of my knowledge and belief.

Signer /

.....Date

16/6/2020

14 APR 2011

**STATEMENT
FRONT COVER**

Name:	Councillor Peter Tattersley
Position Held	Witness

wilkin chapman llp
solicitors

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26 Chantry Lane,
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STATEMENT of: Councillor Peter Tattersley

1. I am an elected member of Braintree District Council having been first elected in May 2011 to represent the Panfield Ward. In 2015, following a number of boundary changes, I was elected to represent the Three Fields Ward. I served as the Deputy Cabinet Member to Councillor Beavis until 2016 when Councillor Beavis was removed from the Cabinet. I then took over the role of Cabinet Member for Health and Communities. In 2019 this became Health and Wellbeing. Until my retirement in 2006 I was employed by Braintree District Council as Director of Operations.
2. I understand that Wilkin Chapman Solicitors have been engaged by the Council's Monitoring Officer to investigate a complaint regarding Councillor Butland's conduct which includes allegations of bullying.
3. On 15 July 2016 I attended a meeting called by Councillor Butland who was the Leader of the Conservative Group and Leader of the Council. The meeting was about a telephone call between Councillor Butland and Councillor Beavis which had taken place after a selection meeting for prospective Conservative candidates for the County Council elections to be held in 2017. I was present as a witness and to support Councillor Beavis, also present was Councillor Lady Newton who was invited by Councillor Butland.
4. Councillor Beavis was upset by the telephone call from Councillor Butland as she thought he was being unreasonable and difficult when he asked her to let him have the seat she had been selected for. I know Councillor Beavis had ambitions to become a full-time politician. This led to a fall out between Councillor Beavis and Councillor Butland. Councillor Butland decided he could not work with her so, as Leader of the Council, he removed her from the Cabinet.
5. I thought the meeting was well conducted, Councillor Butland was very well prepared and quite amicable. His presentation was very measured and factual. He produced copies of emails that Councillor Beavis had sent to various people, he corrected some of the assertions she had made in those emails. His analysis of the situation was very forensic and he followed a structured approach. There was no shouting or raised voices from either party.

A handwritten signature in black ink, appearing to be 'H' or 'K' with a flourish.

6. After the meeting I went to the pub with Councillor Beavis I think at the time she was more irritated than angry although I think the implications of the decision hit her some time after. However, things moved on and I took over the Cabinet Portfolio.
7. The second meeting I was involved in was held on 14 September 2017. This was a disciplinary meeting following an incident when Councillor Beavis, and other Councillors, attended a garden party and discussed issues with others outside of the Party.
8. Councillor Butland was not involved in this meeting, hearing the disciplinary issues with me was Councillor Schmitt. I understand that Councillor Beavis felt aggrieved that she had been disciplined by the Conservative Party over the matter and that she might have viewed this as bullying by implication rather than direct bullying.
9. Councillor Beavis felt that she had been most severely dealt with, however, her treatment was no different to that of another Councillor which I was involved in at a similar meeting in October 2017. At this meeting I attended as the Chief Whip together with Councillor Butland. In both cases normal Party procedures were followed.
10. I had a lot of time for Councillor Beavis, she was, and is, a good Councillor and we worked well together when I was her Deputy Cabinet Member. Councillor Butland is a strong but good Leader of the Council. Councillor Beavis, in my opinion, was used to getting her own way and found it difficult to be told what to do.
11. At times Councillor Butland can be blunt. He has a very good recall of facts and figures and can present matters in a reasoned and concise manner. I have never witnessed conduct from him that is anything other than what is expected in a political forum.
12. I think Councillor Beavis felt aggrieved when Councillor Butland reported to the Council that she had been removed from the Cabinet. She was clearly upset and aggrieved by the selection process in 2016.

I Peter Tattersley declare that this statement is true and accurate to the best of my knowledge and belief.

Signed ...

..Date 7th April 2020

**STATEMENT
FRONT COVER**

Name:	Lady Patricia Newton
Position Held	Witness

wilkin chapman llp
solicitors

Cartergate House,
26 Chantry Lane,
Grimsby
DN31 2LJ

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STATEMENT of: Lady Patricia Newton

1. I am a former elected member of Braintree District Council having served between May 2003 and May 2019. I also served as a Councillor between 1979 and 1991. In recent years I served on the Council's Cabinet holding a number of different portfolios most recently being the Cabinet Member for Planning and Development. I served as Chairman of the Council for 2 years.
2. I understand that Wilkin Chapman Solicitors have been engaged by the Council's Monitoring Officer to investigate a complaint regarding Councillor Butland's conduct which includes allegations of bullying.
3. In June 2016 I attended a meeting called by Councillor Butland who was the Leader of the Conservative Group and Leader of the Council. The purpose of the meeting was to discuss with Councillor Beavis her conduct. I was present at the invitation of Councillor Butland, also present was Councillor Beavis who was accompanied by Councillor Tattersley.
4. The meeting was very structured. Councillor Butland set out his position and explained the areas of Councillor Beavis' conduct that were causing him concern. This related to allegations Councillor Beavis had been making about Councillor Butland. He supported his statements with evidence contained in emails sent by Councillor Beavis to various individuals. He put these to Councillor Beavis and invited her to comment. Councillor Beavis was unable to deny the central issue which was that she had shared certain information with individuals outside of the Conservative Group and outside the Council. It was evident that Councillor Beavis found the meeting uncomfortable but she was given plenty of time to respond to the issues raised.
5. During the meeting both Councillor Tattersley and I simply observed. At no time during the meeting did Councillor Butland raise his voice, nor was he aggressive. He was extremely polite, professional but persistent. This is consistent with his normal manner. I thought at the time Councillor Butland was unbelievably fair in light of the matter being considered.

6. During my time serving on the Council's Cabinet whilst Councillor Butland was the Leader of the Council I believe we had a good working relationship. There were times when we disagreed on issues. I can recall two occasions when I was disappointed with how he dealt with something, however I was able to challenge him and he respected my opinion.
7. I often thought 'is Councillor Beavis just naïve?' as she appeared to lack an understanding of the workings of the Council and the role of Councillor. She had conflicted interests and could not see the boundaries between her outside interests and her role as a Councillor.
8. I have never had reason to think that Councillor Butland had acted in a bullying or aggressive manner during my association with him.

I Lady Patricia Newton declare that this statement is true and accurate to the best of my knowledge and belief.

Signed

Date 07.04.2020

**STATEMENT
FRONT COVER**

Name:	Andy Wright
Position Held	Witness

wilkin chapman llp
solicitors

Cartergate House,
26 Chantry Lane,
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DN31 2LJ

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STATEMENT of: Andy Wright

1. I am the Chief Executive of Braintree District Council, a position I have held since February 2018. I was a Director on the Council's Senior Management Team for 5 years until the former Chief Executive left in June 2017 when I was appointed as the Acting Chief Executive. Prior to joining the Council I was employed at a number of District Councils where I specialised in leisure and community and economic development.
2. I understand that Wilkin Chapman Solicitors have been engaged by Braintree District Council's Interim Monitoring Officer to investigate a complaint regarding Councillor Butland's conduct. The complaint includes an allegation that Councillor Butland influenced the investigation into a complaint about Councillor Beavis.
3. In April 2018 I received an email forwarded by the Leader of the Council, Councillor Butland. The original email was from Caroline Burrows-Wren and was dated 14 April 2018, this was a Saturday. I received the email and immediately forwarded it to the Council's Monitoring Officer, Ian Hunt, as it was a complaint about the Council and the conduct of a Councillor.
4. Briefly, Ms Burrows-Wren raised concerns about a grant application that had been submitted to the Council by Councillor Beavis. Ms Burrows-Wren had been a co-director with Councillor Beavis of Braintree District Community Foundation CIC but had resigned as a director in November 2017. She was concerned that her name had been used on the grant application which was submitted after she had resigned.
5. After this I had limited involvement in the matter as it was being dealt with by Ian Hunt as the proper officer for such matters. After initial enquiries Ian Hunt appointed an external firm of Solicitors to carry out an investigation as there was evidence that the alleged conduct may have included a breach of the Council's Code of Conduct by Councillor Beavis.

6. During the course of normal Council business I have a weekly meeting with Councillor Butland as Leader of the Council. The issues raised by Ms Burrows-Wren were never a formal matter for discussion at these meetings however, on occasion Councillor Butland would enquire about progress. I never took this to be any attempt by Councillor Butland to put pressure on officers but was the natural concern of a Leader when the complaint was against a Member of his group.
7. Whilst I had no direct involvement with the investigation of the complaint or any formal contact with Councillor Butland regarding the matter I was aware that he was at times frustrated by what he considered to be delays. I understood Councillor Butland believed these to be caused by Councillor Beavis attempting to avoid the matter.
8. The external solicitors finalised their report towards the end of 2018. Before the Monitoring Officer could deal with the report and refer it to a meeting of the Standards Committee Councillor Beavis resigned. This put an end to the process.
9. Councillor Beavis was re-elected to the Council in May 2019. The matter was never formally raised following her re-election.
10. There was an incident at the Council meeting in December 2019 about which Councillor Beavis has submitted a further complaint. This was when Councillor Beavis was speaking, Councillor Butland held a copy of the report produced by the solicitors into the earlier complaint against Councillor Beavis.
11. I can confirm that I did see the incident as described in point 10. Following this the Leader of the Green and Independent Group did raise concerns about Councillor Butland's conduct at the meeting which I passed onto the Monitoring Officer.

I Andy Wright declare that this statement is true and accurate to the best of my knowledge and belief.

Signed ..

.....Date 17/4/20.....

STATEMENT FRONT COVER

Name:	Ian Hunt
Position Held	Witness

wilkin chapman llp
solicitors

Cartergate House,
26 Chantry Lane,
Grimsby
DN31 2LJ

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STATEMENT of: Ian Hunt

1. I am a qualified Solicitor and have worked in Local Government since 2002. From 2013 to February 2020 I was employed by Braintree District Council and held the statutory position of Monitoring Officer. I am now employed by Thurrock Council as Assistant Director of Law and Governance and also hold the statutory position of Monitoring Officer for the Council.
2. I understand that Wilkin Chapman Solicitors have been engaged by Braintree District Council's Monitoring Officer to investigate a complaint regarding Councillor Butland's conduct. The complaint includes an allegation the Councillor Butland influenced the investigation into a complaint about Councillor Beavis.
3. In April 2018 I received an email from the Council's Chief Executive which had been forwarded to him by Councillor Butland. The original email was from Caroline Burrows-Wren and was dated 14 April 2018, this was a Saturday. I received the email and responded to Ms Burrows-Wren on the Monday.
4. The email contained information about a grant application to the Council submitted on behalf of Braintree District Community Foundation CIC. Ms Burrows-Wren raised concerns regarding the use of her name on the application when she had resigned as a Director of the Foundation in November 2018. Councillor Beavis was the only remaining Director of the Foundation when the grant application was submitted.
5. After considering the content of the email I first contacted Ms Burrows-Wren to clarify some of the details. My initial decision was to treat the allegations set out as a corporate matter rather than a standards complaint. This was because it related to the award of a grant by the Council.
6. I had further discussions with Ms Burrows-Wren before discussing the matter with Councillor Beavis. The purpose of my discussion with Councillor Beavis was to establish whether she accepted the information set out in the email; that was that Ms Burrows-Wren had resigned as a Director of the Foundation and should not have been included on the application for the grant. Councillor Beavis' reaction was that it

was all Ms Burrows-Wren's fault as she had not properly resigned as a Director or told Councillor Beavis.

7. I then discussed this with the Chief Executive and decided that the matter should be considered as a standards complaint, to enable a formal consideration of the facts and potential code issues, and Councillor Beavis had completed the form in both her capacity of Director of the CIC and Councillor. Councillor Butland was aware of that decision but had no part in the consideration of the matter.
8. Due to the nature of the complaint, knowledge of the history between Councillor Butland and Councillor Beavis, and the lack of capacity within the Council to carry out an investigation, it was decided to appoint an external, independent investigator. Freeths Solicitors were selected following a competitive tendering process. The investigation was carried out by Stephen Pearson a Partner at Freeths.
9. Again, Councillor Butland was aware of the decision to appoint an external investigator but had no part in the selection or appointment of Freeths.
10. Throughout the period of the investigation Councillor Butland did regularly enquire of me or the Chief Executive on progress. He was not seeking any particular outcome but was concerned that the matter should be resolved. His concern was that as Group Leader the matter should be resolved for the benefit of Councillor Beavis who was a member of his Group.
11. Councillor Butland's concern was that the matter should be investigated properly and resolved expeditiously so there was certainty for all concerned. Councillor Butland was also mindful that whatever the outcome the Council should be able to withstand scrutiny after the event. Councillor Butland wanted a certain outcome not a half-hearted look at the complaint, on occasions he explicitly stated he was not setting an expectation as to the result.
12. Later on during the investigation Councillor Butland did become irked at what he thought was Councillor Beavis' attempts to delay the investigation. Despite this there was no instruction from Councillor Butland to take any form of action.
13. Whilst not directly relevant to the investigation undertaken by Freeths, I am aware, Councillor Butland was concerned about the financial details relating to the Foundation. He was particularly concerned about some of the bank transactions detailed on bank statements provided to him by Ms Burrows-Wren. However, he

considered this was not a matter for the Council. That said, Councillor Butland was concerned that it should not be brushed under the carpet as there were wider issues involved, but this was not a matter for the Council and therefore he did not provide the details to me or the Council.

14. Ms Burrows-Wren referred both the complaint about the grant application and the wider financial matters to Fraud Action. My advice to the Chief Executive and Councillor Butland was that there was no clear evidence of fraudulent activity, but if there was, of the evidence I had, I did not think it met the CPS test for prosecution. However, in view of the circumstances, I did prepare a report expressing my opinion that there was no evidence of fraud, this was submitted to Action Fraud principally to ensure that they had relevant contact details given the Councils involvement.
15. With regard to the meeting of the Council held on 16 December 2019, I was present. The incident referred to by Councillor Beavis occurred during the item on Questions to the Leader. Councillor Beavis asked a question to which the Leader responded. Councillor Beavis then started to ask a supplementary question during which she appeared to splutter and stop. At the time I was making notes so did not see what caused this or the action of Councillor Butland. I understand from a colleague who was also present that Councillor Butland did hold up a document which had the same front cover as the investigation report produced by Freeths. There was a short sequence of comments following this between both Councillors which I interpreted as being a reference to the complaints process, given the background I was aware of.
16. If, as it appears, Councillor Butland held up this document it had no reference to the meeting or the question being raised by Councillor Beavis, I consider that it was certainly unnecessary and ungentlemanly conduct.

I Ian Hunt declare that this statement is true and accurate to the best of my knowledge and belief.

Signed ..

.Date17/6/20.

**STATEMENT
FRONT COVER**

Name:	Stephen Pearson
Position Held	Witness

wilkin chapman llp
solicitors

Cartergate House,
26 Chantry Lane,
Grimsby
DN31 2LJ

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STATEMENT of: Stephen Pearson

1. I am Partner at Freeths Solicitors and I have been employed at Freeths for the last 15 years. After qualifying as a solicitor at Nottingham County Council I held a number of positions in Local Government and in the private sector. I have a Diploma in Local Government Law. I am also a Parish Councillor.
2. I understand that Wilkin Chapman Solicitors have been engaged by the Monitoring Officer at Braintree District Council to investigate a complaint regarding Councillor Butland's conduct. The complaint includes allegations of influencing or attempting to influence an investigation I undertook for the Council into a complaint against Councillor Beavis.
3. I was instructed by the then Monitoring Officer, Ian Hunt, to investigate a complaint submitted by Caroline Burrows-Wren regarding a grant application made by Councillor Beavis. Ms Burrows-Wren and Councillor Beavis had both been Directors of the same company, Braintree District Community Foundation CIC.
4. During my investigation I had no contact at all with Councillor Butland. I was aware from comments made to me during the investigation that Councillor Butland and Councillor Beavis were not on the best of terms despite being in the same political group. I did not enquire further about their relationship as it had no bearing or influence on the conduct of my investigation.
5. I was also aware that Caroline Burrows-Wren had emailed the initial complaint to Councillor Butland who had immediately forwarded the email to the Council's officers. I considered this to be an appropriate action by Councillor Butland. As Councillor Butland was not involved in the complaint I saw no need to contact him during the investigation.
6. During the investigation my dealings with the Council were through Ian Hunt, the Monitoring Officer. There was nothing in my dealings with the Monitoring Officer

which suggested to me that he was under any pressure or being influenced by anybody regarding how the investigation was progressing.

7. I consider the matter was dealt with by the Council in an appropriate manner. As the complaint had the potential to be a high profile matter involving the Leader of the Council and a senior Councillor the Monitoring Officer was correct, in my opinion, to engage an external independent investigator.
8. From my contact with the complainant, Caroline Burrows-Wren, it was clear that she took the matter seriously and was very upset that her name had been used by Councillor Beavis on the grant application. I believe she felt the Council's response to her concerns was an appropriate way to deal with the matter.
9. At the conclusion of the investigation a report was produced for the Monitoring Officer. The report and its conclusions were not influenced by anybody other than me and my colleagues at Freeths Solicitors.

I Stephen Pearson declare that this statement is true and accurate to the best of my knowledge and belief.

Signed ...

.....Date 7/4/20.....

14 APR 2020

WC 15

**STATEMENT
FRONT COVER**

Name:	Nigel McCrea
Position Held	Witness

wilkin chapman llp
solicitors

Cartergate House,
26 Chantry Lane,
Grimsby
DN31 2LJ

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STATEMENT of: Nigel McCrea

1. I was an elected member of Braintree District Council between May 2003 and 2011. I was Chairman of the Braintree Conservative Association from 2015 to 2018 and I am the current Treasurer of the Association. Until my retirement I was employed at senior management level for over 20 years most recently as managing director of an international pet food company.
2. I understand that Wilkin Chapman Solicitors have been engaged by the Council's Monitoring Officer to investigate a complaint regarding Councillor Butland's conduct which includes allegations of bullying.
3. I have known Councillor Butland since I was elected to the District Council in 2003.
4. I invited Councillor Butland and Councillor Beavis to a meeting at my house which was held in November 2016 to try to resolve a matter that started in June 2016.
5. On 26 June 2016 I chaired the selection panel of potential candidates for the forthcoming Essex County Council elections. Both Councillor Butland and Councillor Beavis were interviewed as part of the selection process. Both of them were successful although Councillor Beavis was selected for the area that Councillor Butland wanted to stand in.
6. I am aware that Councillor Butland telephoned Councillor Beavis regarding the selection. I suspect that Councillor Butland was quite forceful during the telephone conversation which may have been seen by Councillor Beavis as bullying.
7. As the situation had been ongoing for about four months with little sign of being resolved I decided, as Chairman of the Association, to invite them to my house to bring them together. At the meeting both Councillor Butland and Councillor Beavis admitted that the reaction had been a bit strong. Councillor Beavis acknowledged that she had not raised her concerns in the proper way by involving others outside the local Association. Councillor Butland apologised for his actions.

8. Councillor Beavis also apologised and undertook not to react in the same manner in the future. I recall that the meeting ended with Councillor Beavis putting her arm round Councillor Butland and saying something like *"I'm glad this is all over Graham"*.
9. Councillor Beavis is quite ambitious and is good at self-publicity. It appears at times that to achieve her ambitions or to overcome opposition she thinks the solution is to cry bullying.
10. Councillor Beavis left the Conservative Party when there were allegations against her of inappropriate use of funds.
11. I believe that at times Councillor Butland tried hard not to come across as being too forceful. I know that during the investigation of the complaint against Councillor Beavis Councillor Butland stood back and took no part in the process.
12. I have never witnessed bullying behaviour by Councillor Butland which I am sure I would recognise having witnessed bullying during my professional career.

I Nigel McCrea declare that this statement is true and accurate to the best of my knowledge and belief.

Signed

....Date 7/4/20.....

TELEPHONE INTERVIEW
FRONT COVER

Name: Councillor Graham Butland

Position Held Respondent Councillor

wilkin chapman llp
solicitors

Cartergate House,
26 Chantry Lane,
Grimsby
DN31 2LJ

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Notes of an interview with Councillor Graham Butland conducted by Alan Tasker.

1. Councillor Butland confirmed that he understood that Wilkin Chapman Solicitors had been engaged to investigate the complaint made by Councillor Beavis regarding his alleged conduct towards her. He understood that a note of the telephone interview would be produced and that the notes would form part of the investigation report.
2. Councillor Butland was first elected to Braintree District Council in May 2003. He became Leader of the Council in 2004, a position he has held since then.
3. Councillor Butland explained that his involvement with the complaint against Councillor Beavis was limited. It commenced when he received an email from Caroline Burrows-Wren on 14 April 2018. The email contained information about a grant application submitted to the Council by Councillor Beavis. Ms Burrows-Wren became aware of the grant application when she received communication from the Council indicating that the application had been successful. She was surprised to receive the communication as in November 2017 she had resigned from the position of Director of the organisation to which the grant had been awarded. Ms Burrows-Wren was worried about her name being used on the grant application. At this stage he did not know Ms Burrows-Wren, he had never communicated with her.
4. He sent a response to Ms Burrows-Wren acknowledging receipt of the email. The same day he emailed Councillor Schmitt, the Deputy Leader of the Council (and Conservative Group) and Councillor Tattersley, the Group Whip with details of the email from Ms Burrows-Wren. He transferred the email from his Council email account to his private account. At this stage he said he was inclined to refer the matter to the Council's Chief Executive, which was agreed by Councillors Schmitt and Tattersley.
5. He forwarded the email to the Chief Executive on 14 April 2018, the same day as he received it from Ms Burrows-Wren.

6. He acknowledged that he had occasional conversations with the Chief Executive about the matter whilst the complaint was being investigated as he was concerned about how long it was taking.
7. In the meantime Ms Burrows-Wren received what she considered to be threatening emails and telephone calls from Councillor Beavis. Ms Burrows-Wren also received three telephone calls from Councillor Howard Rolfe (Leader of Uttlesford District Council) who also tried to contact her by text message.
8. Ms Burrows-Wren was accused by Councillor Beavis of disclosing information to the press about the matter. Ms Burrows-Wren received written confirmation from the press that it was not her who had provided the information. Councillor Butland did not contact the press although with hindsight he thought he should have done to also have it confirmed that it was not him who had disclosed any information to them.
9. During the process of the investigation he received permission from Ms Burrows-Wren that he could share the information contained in the original email. He considered he had to share the information with the Leader of Essex County Council as Councillor Beavis was a County Councillor and a member of the County Council Conservative Group.
10. In August 2018 he received an email from Ms Burrows-Wren indicating that she was considering referring the matter to the Police. He suggested to her that she should await the outcome of the Council's investigation before taking any further action.
11. In around November or December 2018 the Council's investigation was eventually concluded and a report was produced by Stephen Pearson. Councillor Butland did not know who Stephen Pearson was, he had never met him. Ms Burrows-Wren rang him whilst he was driving to inform him that she had a copy of the report, he had not seen the report. Ms Burrows-Wren asked him if he wanted to know what it said. He asked her if the report had any embargo or any indication she should not share the content, she stated that it did not. As he was driving he said to just tell him the outcome. Ms Burrows-Wren read paragraphs 8.1 and 8.2 of the report to him. He was surprised at how blunt the conclusion was.
12. He did not receive a copy of the report at any stage during the investigation. It was several weeks after the telephone call from Ms Burrows-Wren that he asked officers at

the Council if he was entitled to see a copy of the report. The report was eventually issued and would have been reported to the Standards Committee but Councillor Beavis resigned from the Council which stopped the process as there was nothing the Council could do once she ceased to be a Councillor.

13. Other than that he had no involvement with or input into how the complaint submitted by Ms Burrows-Wren had been handled by the Council or indeed the subsequent investigation. He had not met Councillor Beavis in a one to one situation for years as he was not prepared to put himself in a position which could give her the opportunity to make unfounded allegations against him without other witnesses.
14. When asked about Councillor Beavis' allegation that he had denied all knowledge of the complaint Councillor Butland explained that this related to a message he received from Councillor Beavis whilst he was in Norfolk with his grandchildren. The message was about something in the press relating to the complaint. His denial was that as he was away he had not seen what was in the press which Councillor Beavis was referring to. He has provided copies of the emails.
15. With regard to the allegation of bullying during a period of three years as a Member of the Conservative Party Councillor Butland believed this was a Party matter not a Council matter and therefore not subject to the Council's Code of Conduct. Nevertheless, he thought this was a reference to the start of a breakdown of the relationship between him and Councillor Beavis who was a Member of his Cabinet.
16. In 2016 the Conservative Party was selecting prospective candidates for the County Council elections to be held in May 2017. Both he and Councillor Beavis were interviewed by Party officials from the local association. The outcome was that Councillor Beavis was selected to stand in the seat that he wished to stand in. After the selection he telephoned Councillor Beavis to discuss swapping seats. Councillor Butland described that call as robust on both sides but emphasised it was not him who used foul and abusive language.
17. After this he was aware that Councillor Beavis was talking to people about him and making unfounded allegations. This resulted in him engaging a solicitor to try to resolve the conflict. Councillor Beavis denied any inappropriate behaviour or that she had spoken to anybody. He had copies of emails and texts she had sent, as well as third

party statements, which showed that she had been making unfounded allegations about him.

18. In response to this, in June 2016 he invited Councillor Beavis to a meeting to discuss her behaviour. The meeting was attended by him accompanied by Councillor Lady Newton and Councillor Beavis accompanied by Councillor Tattersley. At the meeting Councillor Beavis denied making allegations about him, confirming her written denial in a previous email to Councillor Butland. When he produced copies of emails and screen shots of texts she had sent she went quiet. At the meeting Councillor Butland stated that there was clearly a lack of trust between the pair of them and as a result he would be removing her from the Braintree District Council Cabinet.
19. The difficulties continued until November 2016 when the local Conservative Party dealt with the matter. Councillor Butland and Councillor Beavis were invited to a meeting at the home of the Conservative Party Chairman, Nigel McCrea, to try to resolve the differences between them. The outcome of that meeting was that both he and Councillor Beavis signed an agreement in which they both agreed that they were satisfied with the outcome of the meeting. As they left Councillor Beavis put her arms around him. Councillor Butland has provided a copy of the agreement signed by both parties.
20. In October 2017 Councillor Beavis was involved in a challenge to his leadership of the Conservative Group. Councillor Butland did not want a period of infighting to continue for 6-7 months so decided to resign as Leader to facilitate an election. He indicated he was prepared to stand again if anyone wished to nominate him. He was nominated and re-elected as Leader of the Group by 34 votes to 9. Following complaints from other members about the actions of Councillor Beavis and two other Conservative Councillors, it was agreed that, under the Conservative Group rules, a disciplinary investigation would be held. The rules empower the Group Leader to carry out any such investigation. Councillor Butland decided that given the situation between Councillor Beavis and himself he would not participate in the investigation and appointed the Deputy Leader to carry it out.
21. In 2018, when it was confirmed that the complaint by Ms Burrows-Wren against Councillor Beavis would be investigated he felt as Group Leader he needed to consider whether any action should be taken. He wrote to Councillor Beavis as the Group Leader suggesting a meeting to hear her comments on the matter. Councillor Beavis responded

saying the dates he had provided were not suitable but that she was available on 15 June 2018. He re-arranged his diary for that date to facilitate the meeting. At the meeting he was accompanied by Councillor John McKee. Councillor Beavis was accompanied by Councillor Dick Madden (Conservative Chief Whip at Essex County Council). The purpose of the meeting was to consider what effect the allegations made by Ms Burrows-Wren might have on Councillor Beavis' position in the Group, it was not to investigate the allegations.

22. One item which had no relevance to the Council related to bank statements of one of the Community Interest Companies that Councillor Beavis was a Director of. These statements identified payments which did not appear to relate to the business of the organisation. Councillor Butland stated that he did not feel that this was a matter for investigation by Braintree District Council. His concern at this stage was that the conduct of Councillor Beavis should not bring the Conservative Group into disrepute and whether she should be suspended from the Group pending the outcome of the Council's investigation. He decided that he would not suspend Councillor Beavis pending the outcome of any enquiry. He advised her not to draw people in to the issue and not to contact Ms Burrows-Wren. He was aware that Councillor Rolfe had been contacting Ms Burrows-Wren on her behalf.
23. In a private discussion immediately after the meeting Councillor Madden asked him why he was not reporting Councillor Beavis to the Police. He told Councillor Madden that Councillor Beavis had been making complaints against him since 2016 and was mindful that if he did so it would probably lead to further complaints.
24. After the meeting he wrote to Councillor Beavis informing her that no action regarding the alleged fraudulent Grant application would be taken pending the outcome of the Council's investigation.
25. There had been a number of occasions during this period where he had reasonable justification to take action over the conduct of Councillor Beavis but he had resisted.
26. In February 2019, out of the blue, he received a letter from Councillor Beavis stating that she was resigning from the Council to devote more time to the community shop. This put an end to the consideration of the report. On 26 February 2019 Mrs Beavis submitted a complaint about him.

27. In the meantime (possibly 13 February 2019) Councillor Madden referred the grant application and the payments from the bank to Essex Police. On 28 February he received a letter from Essex Police. He was not aware why he had received the letter other than it said the Police would not be investigating the matter and that it should be dealt by the Council. He responded to the Police setting out his concern that the Council was not in a position to do anything as Mrs Beavis was no longer a Councillor. The Police response was that Mrs Beavis was still an Essex County Councillor and the grant money had been used as intended.
28. He did speak to the Council's Chief Executive about the outcome as he was not happy as the complainant had not received a satisfactory answer to her complaint.
29. There was a report in the Halstead Gazette, in March 2019, under a heading 'Police confirm no criminal probe into councillor'. In the article a number of quotes were attributed to Mrs Beavis or Councillor Beavis (still being a County Councillor). These included the following statement *"Mrs Beavis has since made a complaint to the Conservative Party, Essex Police and Braintree District Council against a serving Braintree district councillor over alleged inappropriate behaviour."* Councillor Butland felt that this statement referred to him.
30. At a meeting of the Conservative Group in March 2019 he informed the Group that he believed that the reference in the press to a Councillor being investigated was a reference to him as Mrs Beavis had submitted a complaint about him on 26 February. He informed the members of the Group that he felt that the allegations made by Mrs Beavis were of such a serious nature that he had written to the Council's Chief Executive referring himself to the Standards Committee and that, given his position as Council Leader, there should be an independent inquiry.
31. In May 2019 Councillor Beavis was re-elected to the District Council as an Independent.
32. Councillor Beavis submitted a further complaint against him following a meeting of the Council held on 16 December 2019. A webcast of the meeting can be viewed on the Council's website. At the meeting Councillor Beavis was speaking. Whilst she was speaking he held a copy of the report produced by Freeths following the complaint against Councillor Beavis. He did not hold it up or wave it about, he simply held it on the desk. It was clear Councillor Beavis could see the front of the report although not many of the others present would have been able to see what it was.

33. Councillor Butland explained that the reason he did this was frustration. The report was a public document that had been produced for the Council. Councillor Beavis had used the system by resigning from the Council before the report could be considered in an appropriate manner to avoid being answerable for her actions.
34. Whilst Councillor Butland did not object to matters that had taken place prior to Mrs Burrows-Wren submitting her complaint being referred to, they had been dealt with by The Conservative Party. He felt that as regards the current inquiry it should be confined to the issues surrounding the complaint by Ms Burrows-Wren. He considered he had dealt with the complaint from Ms Burrows-Wren appropriately by referring it to the Council's Chief Executive and informing the Conservative Group Officers. He had never put himself in a position that would give Councillor Beavis any justification to make allegations that he had bullied her. He said that his decisions not to participate in the Conservative Group disciplinary investigation into the actions of Councillor Beavis and, more particularly, his decision not to withdraw the Group Whip at the meeting in June 2018 were clear examples of a tolerant and non-bullying approach by him. He reiterated that he firmly denied inappropriately influencing the investigation, bullying and harassment of Mrs Beavis, "*stalking type behaviours*", intimidation and victimisation, all of which are alleged by Mrs Beavis in her written complaint submitted to Braintree District Council.

I Councillor Graham Butland confirm that to the best of my recollection and belief this is an accurate summary of the telephone interview with Alan Tasker held on Thursday 2 August 2020.

Signed Graham Butland

Date 14 April 2020

CONFIDENTIAL REPORT

From: R BEAVIS [REDACTED]
Subject: Group issues
Date: 27 May 2018 at 12:05:17
To: [REDACTED]

Dear Graham,

I met with you before Christmas to discuss my complaint against you regarding the defamatory language I believe that you used about me,

in front of colleagues, at the Group Leadership Meeting on the 17th August 2017. I thought that your language about me, in front

of the Group, was unnecessary due to the fact that you and I had settled our previous complaints against one another in the presence

of the Conservative Party Official at the home of Nigel McCrea (the then Chairman of the Braintree Constituency Conservative Association).

At our Christmas meeting, and after taking advice from the Conservative Councillors Association, I agree to drop my complaint against you

as we agreed that this would unify the Group leading into the 2019 elections. I believe that we both knew how we felt about the outcome of that

meeting and indeed I confirmed, via email, to you that I would take my complaint no further (which is the case).

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Your recent email to Group Colleagues asking for their support in respect of the Chris Siddall complaint against you (as we both know

Chris decided not to withdraw his complaint) has excluded me which I believe is not demonstrating a unified Braintree Conservative Group.

This has disappointed me of you Graham because you are the Leader. Last year when you called the Leadership Election on the 17th August

it was your choice. I may not have voted for you and that was my choice and perhaps demonstrated the impact that the last 3 years has

CONFIDENTIAL REPORT

had on me personally and indeed your words against me in your presentation did not give me much confidence in you. But, you are the Leader and

whereas I might be able to have a broader mind (as a back-bench member) you have to lead and appeal to us all within the Group.

On a separate subject I was disappointed to receive an email from [REDACTED] of the Halstead Gazette asking me for comments about

a Councillor Grant that my Foundation has received to support the work of the Castle Hedingham Village Shop. I was disappointed mainly because

I had agreed to meet with Ian Hunt for the purpose of a fact finding meeting about the grant and as I was aware only Ian, Caroline Burrows-Wren

(who queried the grant) and I were aware of the query that Caroline had raised. I don't know [REDACTED] but I do know this district well and

many people within it well. I met with Ian on Friday and we both agreed that actually the Halstead Gazette report did not read that badly helped by

the fact that I made a sensible response and Ian had already notified me that the Council would make "no comment". Clearly, at some point,

and once I have worked through, with my solicitor, how to remove Caroline Burrows-Wren from The Articles, the bank account and indeed the

engagement of the Foundation which is still required from her before my solicitor formally makes all of the changes in our Constitution I would like to understand how this leak has occurred.

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An email from Caroline Burrows-Wren of yesterday apologising for her action about the Foundation of the past two weeks has assured me that

she did not leak the story. Nothing has come from my side (obviously) and Ian Hunt confirmed on Friday that it was certainly not the Council. I

am at a loss; however very disappointed to read the story as I am sure you would of

CONFIDENTIAL REPORT

been too.

I will see you at the Group Meeting on Thursday night.

Regards.

JO.

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From: R BEAVIS [REDACTED] **CONFIDENTIAL REPORT**

Subject: Re: Group issues.

Date: 27 May 2018 at 17:00:41

To: [REDACTED]

Dear Graham. I note your comments. Regards. JO.

-----Original message-----

From : [REDACTED]

Date : 27/05/2018 - 16:55 (GMTDT)

To : [REDACTED]

Subject : Re: Group issues.

Dear Jo,

I am currently on leave with the grandchildren so this is a short acknowledgment of your email.

Briefly on the two issues you raise my comments are as follows.

In respect of [REDACTED] resubmission of his previous complaint of September 2017 CCHQ said that I could submit witness statements if I wished. As a result I sought statements from some colleagues but I did not write to all members of the Group. You were not the only colleague that I didn't seek a statement from.

As regards your Grant submission I am aware that officers are carrying out an enquiry but I am unaware of the outcome and being away I have not seen the article in the Halstead Gazette. I have searched their online pages but there is nothing on the issue there.

Dear Graham,

CONFIDENTIAL REPORT

I acknowledge your email dated September 4th.

Kind regards,

Jo Beavis.

----- Original Message -----

On Tuesday, 4 Sep, 2018 at 09:54, [REDACTED] wrote:

Dear Joanne,

You will recall that we met on 15th June with John McKee and Dick Madden in attendance.

We discussed issues arising from the grant application from Braintree CIC in respect of equipment for the shop at Castle Hedingham. I explained that the meeting was not to investigate any issues but to afford me the opportunity to consider whether I needed to take any action, as Group Leader, under the Group's constitution.

I understand that since that meeting there has been extensive correspondence between the Council's Monitoring Officer and your solicitors. I have been informed that the Monitoring Officer has now decided to instigate a formal investigation and has appointed an independent external person to carry out this out.

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I am writing to inform you that I do not intend to take any action, such as suspension, whilst the investigation is being undertaken and that I will review the situation when the independent person reports their findings.

In the meantime I would be grateful if you would keep me informed of any developments with regards to the issues we discussed in June.

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ENDS

year.

He had been carrying out a waste removal procedure where he had emptied the contents of a hopper bin into a skip.

But, unable to close the lid of the hopper bin while sitting in the forklift, he got out to manually close it.

The forklift truck rolled forward and trapped Mr Hartnell in between the front of the bin, which was on the lift, and the skip.

Mr Hartnell.

He said: "The most likely reason why the vehicle rolled forward was that it was parked on a slope and the braking force generated by the parking brake was insufficient to resist the gravitational forces on the vehicle."

Mr Hartnell died of traumatic asphyxiation and compression of the neck.

Fellow warehouse operative James Anderson told the inquest he and another col-

SCENE OF TRAGEDY: The Hand 2 Mouth factory in Halested, where Martyn Hartnell was crushed to death

league became aware of the situation when they heard cries for help.

He said: "When we ran in I could see Martyn trapped. It looked like he was just standing there and all I could really see was his legs."

"We were all in shock. I ran

ity member. Not only have you lost him, but you have also had the ordeal of sitting here during this inquest and you have done that with the utmost dignity."

Mr Hartnell was described as "hard-working, respected and liked" by Hand 2 Mouth co-founder Pwosen Vilh following the tragedy.

Speaking after the inquest, Mr Vilh said: "We continue to empathise with Martyn's wife and family, and send them our love."

Police confirm no criminal probe into councillor

POLICE have confirmed there is no criminal investigation against a former councillor.

Jo Beavis resigned from Braintree Council following a council investigation into the spending of public money.

It was later reported that a police investigation into her spending had

taken place alongside the council investigation.

Mrs Beavis said: "I am pleased that Essex Police has informed me that there has been no criminal activity and therefore no case to be investigated."

"My solicitor, throughout the Braintree Council investigation, raised concerns about political inter-

ference in the process.

"The process should be devoid of political interference."

A police spokesman said: "An allegation of fraud was referred to us on February 12, 2016, and we reviewed the file."

"It was decided there was no case to investigate."

Mrs Beavis has since made a complaint to the Conservative Party, Essex Police and Braintree Council against a serving Braintree district councillor over alleged inappropriate behaviour.

A spokesman for Braintree Council said: "We have received correspondence from Mrs Beavis which

we are considering in line with the council's normal processes."

"The council has written to Mrs Beavis for clarification on a number of points in her correspondence, once this is received we will be in a position to consider the appropriate process for considering her correspondence."

CONFIDENTIAL REPORT

SUMMARY OF AGREEMENT REACHED BETWEEN CLLR GRAHAM BUTLAND AND CLLR JOANNE BEAVIS IN RELATION TO COMPLAINT AND COUNTER COMPLAINT EACH AGAINST THE OTHER.

This agreement was achieved at a meeting between Cllrs Butland and Beavis on
Thursday 22nd December 2016, facilitated by and at the home of Mr Nigel McCrea and with
Field Director Maurice Cook in attendance.

To be circulated only to Ian Sanderson, CCHQ; Braintree Association Officers and Braintree District
Council Cabinet Members.

Both Cllr Graham Butland and Cllr Joanne Beavis agreed that they would withdraw their complaint and
counter complaint to CCHQ and refrain from any further legal measures in respect of the other upon the
following terms:

Cllr Butland has apologised to Cllr Beavis for the making of the telephone call to her on 25th June 2016
following the outcome of a candidate selection meeting. Cllr Butland regrets having made the call and
would not do so again. Cllr Beavis accepted this apology.

Cllr Beavis acknowledged that her chosen path in raising complaint regarding this telephone call did not,
initially, follow the correct procedure and that comment and opinion in relation to Cllr Butland was
circulated verbally and in writing, via email and text, to an extended audience, larger than anticipated.
Cllr Beavis accepts that this was inappropriate and she too would not act in this way again. Cllr Butland
accepted this acknowledgement.

Signed _____
Cllr Graham Butland

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Signed _____
Cllr Joanne Beavis

SUPPLEMENTARY MATTERS AGREED AND DISCUSSED:

In relation to Cllr Beavis having been removed from her Cabinet post on Braintree Council and from positions on other Committees, Cllrs Butland and Beavis discussed and broadly agreed the following:

Whilst Cllr Butland apologised for Cllr Beavis having been removed from the LGIU – this was not his intention and the action had been implemented by a Council Officer – Cllr Beavis stated that she did not wish, at this time, to be re-instated to the LGIU.

That Cllr Beavis would be re-instated to HOSC

That the possibility of Cllr Beavis becoming the Local Chairman of the Health & Wellbeing Committee would be explored.

That Cllr Beavis would remain as Chairman of the Members Development Committee and would be re-instated as the Armed Forces Champion.

In relation to the Candidate Selection process for the divisions of Braintree Town, Halstead and Three Fields with Great Notley:

An explanation of the Constitutional position with regard to the decisions of the Approvals/Selection Panel on 25th June and the Braintree Executive on 6th September was given by Maurice Cook.

It was understood and agreed that Nigel McCrea, together with his fellow Officers and with the support of the Area Management Executive, would conduct a fresh selection process for the three Divisions, which would take into account the views of the Party members resident in each of the Divisions and comply entirely with the Procedure for the Selection of Local Government Candidates, including the ratification of the selections by the Braintree Executive where appropriate.

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In relation to the conduct of Tom Cunningham, Agent to Essex County Council Candidates:

Maurice Cook agreed to speak with Tom to brief him on the correct procedure to adopt in relation to the receipt of complaints and the management of potentially sensitive correspondence.

In relation to the handling of this dispute:

Maurice Cook agreed that lessons could be learned from the way in which the Party's Code of Conduct was implemented and from the feedback received regarding the process by which this matter was handled. Recommendations would include:

The production by CCHQ of a Board approved Complaints Procedure.

A review of the Rules for the Selection of Local Government Candidates

The conduct of the 'informal interviews' with each of the Parties.

The holding of mediation meetings at an earlier stage whilst, at the same time, allowing for an appropriate 'cooling off' period of time.

Both parties agreed that the conduct of today's meeting had been held to their satisfaction.

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