



ASSESSMENT DECISION NOTICE

REFERRAL FOR ACTION OTHER THAN INVESTIGATION

Reference:	CCN084/25/26
Complainant:	Councillor L Biddick-Bray – Marhamchurch Parish Council
Subject Member:	Councillor T O’Sullivan – Marhamchurch Parish Council
Person conducting the Assessment:	Simon Mansell, Group Manager - Assurance
Date of Assessment:	22 October 2025

Decision

It has been determined that other action should be directed in order to resolve this matter, but in making this direction has made no finding of fact or reached a decision as to whether the alleged conduct occurred, or that the Subject Member has failed to comply with the Code of Conduct. In reaching this decision, the Monitoring Officer is satisfied that, even if a breach of the Code was found, the proposed action would be proportionate.

The Complaint

Tom O' Sullivan sent an email to Marhamchurch Parish Council about an historic Community Benefit promise which was relevant to a planning agenda item in the 5 August 2025 meeting. Given that I had already declared an interest in the planning agenda item, I chose not to respond to Cllr O' Sullivan's email. Cllr O'Sullivan replied with 'She's had an awful lot to say about the HVT project recently, in fact it would seem to me she along with others would now like to claim ownership of the whole project.'

I did have a lot to say about the HVT Project, as when Cllr O'Sullivan stepped down as Lead Councillor, other Cllrs, including myself, stepped up, to continue to project. The 'awful' part is derogatory and disrespectful, and there is no rationale behind the statement that I want to 'claim ownership' which clearly suggests my motives are selfish for supporting the project. I strongly dispute this.

The next paragraph of Cllr O'Sullivan's email changes subject and relates to the Minutes Item 25/160 Marhamchurch Village Shop from the Parish Council Meeting on 15 July 2025.

At the Extraordinary Meeting on 30 June 2025, Cllr O'Sullivan proposed that Clerk and Cllr O'Sullivan request a meeting with Marhamchurch Village Shop Committee to see if they are able to offer any financial support towards the Hele Valley Trail. The Marhamchurch Village Shop Committee replied on the 6 July 2025, stating 'The committee looks forward to receiving your application in due course and until that time sees no benefit in a face-to-face meeting.'

At the following MPC Meeting on 15 July 2025, I raised concerns over comments on social media by Cllr O'Sullivan which targeted and criticised the Marhamchurch Village Shop Committee's decision not to have a meeting, and that this behaviour was detrimental to the Parish Council's relationship with the Shop.

I am raising this complaint as I strongly believe that Cllr O'Sullivan has shown disrespect, bullying, intimidation and brought the Parish Council into disrepute.

Through this behaviour, Cllr O'Sullivan sought to engineer a funding advantage in the MVSC grant application process through his power as a Cllr. As a consequence of the meeting refusal, Cllr O'Sullivan raised a motion by email on 7 July 2025 in retaliation 'that the PC terminates the annual grant paid to MVSC for the maintenance of the toilet which, for the current year is £2400 or £6 on the precept per Band D property'.

I understand that despite 25/160/(ii) (tactfully reworded for the Agenda - (ii) To discuss a possible renegotiation of the annual grant to MVSC for the upkeep of the public toilet & use of the grant for the repayment of a PWLB loan instead) being deferred, this was still informally communicated by Cllr O'Sullivan to the Shop Committee and was viewed as a threat. In addition, on 4 August 2025 Cllr O Sullivan replied to the trail in the email where he called me a liar. 'We need to abandon the PWLB application & focus on pressurising MVSC to honour their moral responsibility to parishioners by making a meaningful donation to the HVT project.' Cllr O'Sullivan's email to the Parish Council regarding my comments is unfounded and disrespectful and I feel a personal attack.

Marhamchurch Parish Council received an email with concern about the fact that a Survey had not been carried out on the HVT which the MPC are trying to purchase.

The background is that the Clerk and I met with Bude & Stratton Town Council on 8 July 2025. As a result of the meeting, and receiving contact details, I contacted a company on 14 July 2025 to request a quote for a tree survey in preparation for the next meeting on the 15 July 2025. The Clerk and myself had both updated the Council on emails.

Cllr O'Sullivan's email on 4 August 2025 replied as follows - 'We have a choice here, we can pander to the rantings of a single anonymous parishioner (assuming they are a parishioner), based on false claims made by Cllr. Bray at the last meeting or we can build on the huge boost the funding effort has received to get this project completed.

It depends on what the real agendas are. Meanwhile if Cllr. Bray or anybody else could point me to the interpretation of the two relevant pieces of legislation below that justify her public claims, I'd be very grateful:'

Firstly, Cllr O'Sullivan is disrespectful in how he addresses the concerned Parishioners enquiry. Secondly, he says that I have made false claims at the Parish Council Meeting, which I strongly dispute.

Further along the email trail, after I had clarified that a Tree Survey has not been carried out by the present owner, Cllr O'Sullivan calls me a liar with the statement of -

'The problem about lies is they usually catch up.' 'The draft minutes of the last meeting record "Cllr Biddick-Bray updated that following a site visit with Facilities Manager at Bude Stratton TC, along with Deputy Clerk and Marhamchurch Clerk, that an annual tree inspection will need to be conducted". Is it now being confirmed the claim "that an annual tree inspection will need to be conducted" is false & had nothing to do with conversations with BSTC officers? This is not a result of confusion, it arises from councillors making decisions based solely on their hatred of Tom O'Sullivan.' There are a few things that need to be done tomorrow evening:

1. In the interest of openness, honesty & transparency it needs to be publicly acknowledged that the Hele Valley Trail Purchase Impact Statement 2025 & as a consequence the Updated Business Plan are completely wrong as they are based on false information supplied by Cllr. Biddick-Bray rather than the correct information supplied by Cllr. O'Sullivan.'

When I met with BSTC, as per the Clerk's email summarising the meeting, they said that they carry out a Tree Survey for their woodland and it is listed as something we should do, for the purposes of planning future maintenance costs as well as ensuring the site is safe.

I then included a link to a BBC report where a woodland has been closed due to safety concerns and stated, 'that even if the survey finds no issues - (let's hope there are none), at least we know and have shown due diligence.'

Cllr O'Sullivan attacks the credibility of work I have done (which has been reviewed by other Cllrs and approved), says I have made false statements, accuses me of lying when I have been nothing but honest and tried to support the effort of progressing the Hele Valley Trail Project.

The Response from the Subject Member

For background it would seem to me the email exchanges on 13 May 2025 in FOI Page 217 are evidence that the Clerk was concerned about there being no councillor prepared to take on the role of chair but only four of the five councillors elected (unopposed) on 1 May 2025 are considered.

Even the prospect of proceeding without a chair has apparently been explored. The prospect of myself taking on the role is not even mentioned whether or not I should even be interested. Therefore, it is clear my status at MPC is different from the other councillors & I have long been aware of the culture of exclusion towards me.

The Clerk's apparent support for my exclusion is especially disappointing as I believed we had worked so positively & constructively in an atmosphere of mutual respect on the Hele Valley Trail project. As to how willingly or otherwise she has participated in this complaint, I obviously don't know & neither do I know how much encouragement

or pressure was exerted on her by the other participants & Cllr. Chopak who were well aware of the benefit to MPC's Hele Valley Trail project of the work we did together.

As stated previously I tried desperately over the last two years to encourage the council to work collectively as a team on the major project of acquiring the Hele Valley Trail, sadly this did not happen. It is clear from the FOIR responses that even though I was appointed to be the Lead Councillor for the HVT project, there were parallel discussions & approaches going on. The email exchanges on 22 & 23 May 2025 at the bottom of FOI Page 207 between the Clerk & Cllr. Perry are an example.

Cllr. Perry did not liaise with me as advised by the Clerk, I don't know whether or not he liaised with other councillors, but he did record a video on behalf of MPC which was posted on social media. In his comments at the MPC meeting of 15 July (copy of minutes attached) he alleged that I (as allegedly the sole admin) had prevented it from being shared on the Marhamchurch Matters page which is false. It was shared to the page & at the time there were three other admins. It should also be pointed out the page is not a Parish Council page, but it has been used on many occasions previously by MPC for publicising various issues.

I had raised my concerns on numerous occasions about the growing level of animosity directed at me, not least from Cllr. Biddick-Bray. Disappointingly but unsurprisingly my comments were not recorded in any minutes. I even suggested having an informal get-together in an attempt to improve the situation. Nobody responded & the situation has clearly deteriorated.

On the issue of Marhamchurch Village Shop Ltd. (MVSL), it is clear from the emails exchanged with the Clerk (FOI Page 30) regarding the draft minutes of the MPC meeting on 15 July that Cllr. Biddick-Bray was very keen to have her accusation that I had damaged the working relationship with MVSL recorded. Apparently on advice from CALC, the eventual record in the minutes approved at the MPC meeting on 5 August records:

"A member raised concerns about recent comments posted on social media relating to the Village Shop. It was noted that the Parish Council have fostered a positive working relationship with Marhamchurch Village Shop and hopes that this would continue".

An email from a MVSL representative to Cllr. Perry on 24 July 2025 concludes with "We want to stay friends with everybody concerned". Clearly MVSL were unhappy about being drawn into the MPC disagreements which were being exaggerated by Cllr. Biddick-Bray for what can only be assumed is her personal animosity towards me. I believe the attached 'Email exchanges with MVSL' also contradict Cllr. Biddick-Bray's assertions which are clearly designed to be divisive, derogatory & undermining towards me personally. There is no evidence that MVSL feel bullied or intimidated by me, if so, why would they be delighted to welcome me back as a volunteer?

It is worth noting as well in the minutes of the MPC meeting of 15 July 2025 it is recorded "It was agreed to request £15,000 from the Marhamchurch Village Shop Community Fund. To include in the application, that should MPC secure additional funds from elsewhere (eg Prime Foundation) that MPC would adjust their request accordingly. Proposed Cllr Edwards Seconded Cllr Biddick-Bray. 4 in favour. 1 abstained. Clerk to action".

It's surely reasonable to suggest Cllr. Biddick-Bray's contributions at that meeting were contradictory & undermining of the council's legitimate attempts to secure funding from

MVSL. Pursuing her personal vendetta against me seems to have been more of a priority.

I believe Cllr. Biddick-Bray's complaint is motivated by her animosity & I also believe it was reasonable to discuss the expectation of assistance with funding from MVSL in public. MVSL received significant Parish financial & other resources to enable them to draw down their grant funding in 2017/2018. It should also be noted that MVSL is still in receipt of funding from MPC amounting to £2400 in the current year.

As stated in a previous email, I believe Cllr. Biddick-Bray's assertion that I improperly used my position to confer an advantage or disadvantage on myself or another is reprehensible & serves only to highlight the personal vendetta she is pursuing against me. You may recall that in his Decision of the First Tier Tribunal, Case No. LGS/2011/0546, Judge Patrick Mulvenna said "the reasons for a complaint are material when considering the credibility & reliability of a complainant as a witness particularly, where that evidence is in the nature of opinion". It is clear that Cllr. Biddick-Bray is extremely hostile to me & her evidence is her prejudiced opinion.

As regards Cllr. Biddick-Bray's assertion that I called her a liar, this is untrue. I made a general comment about the well-known suggestion that lies have a habit of coming back to haunt people. I do however stand over my assertion that Cllr. Biddick-Bray's claims relating to the need for an annual & prior to purchase tree survey at the Hele Valley Trail are completely false. The only evidence she relied on to support her claim was unrecorded conversations with officers of Bude-Stratton Town Council who have since denied advising that any such legal obligation exists or advising Cllr. Biddick-Bray that such an obligation exists & the Clerk who was present has provided no indication of support for Cllr. Biddick-Bray's version. Furthermore, the Clerk as legal adviser to MPC did not advise a survey was required, neither did our grant providers nor our insurers. I believe it was entirely appropriate for me to raise my concerns regarding the unnecessary spending of public money.

Again, I had previously urged councillors to make decisions on the basis of evidence & to refrain from point-scoring, to no avail.

In conclusion, based on previous experience, I have very little expectation of a decision favourable towards me. I am however extremely proud of my success on a voluntary basis of securing the funding for MPC to purchase the Hele Valley Trail.

The Views of the Independent Person

This complaint would appear to be the result of a difficult working relationship between the complainant and Councillor O'Sullivan, who is critical of the complainant's motives and abilities.

Having looked at both the complaint and the response I am, without more accurate and specific clear evidence, not in a position to form a view as to whether there has actually been a breach of the Code of Conduct. From the details provided by the complainant there would appear to be insufficient information to justify the serious allegations of bullying and intimidation.

There may be an element of disrespect by Councillor O'Sullivan but in my view no more than what may be a consequence of differing views on aspects of Council business,

perhaps fuelled by mutual dislike and not sufficient to convince me of a breach of the Code.

Application of the Code of Conduct

In considering the complaint as made, I am satisfied that the Subject Member was acting in their official capacity at the time of the alleged conduct and therefore was bound by the Code of Conduct.

As with all ethical standards complaints, this is assessed against the Code of Conduct adopted by the Council and the procedures for assessing complaints adopted by Cornwall Council. The information provided is assessed on the balance of probabilities; this is, would a reasonable person objectively considering of all the facts be of the view it is more likely than not that the actions of the Subject Member amount to a breach of the Code of Conduct.

Findings of Fact

In considering this complaint there has been a considerable amount of information provided by both sides which has been reviewed as part of this process. However, this is not referenced below unless it is necessary for the purposes of the assessment.

With regards to the general email exchanges which have taken place between the Complainant and the Subject Member, I do agree that the style adopted by the Subject Member can be challenging and overly robust at times. However, the role of a Councillor is to be challenging and critical, and I am not of the view that, except for the most specific points mentioned below, the majority of the email exchanges go beyond this.

In reviewing the online posts made by the Subject Member, these are clearly not in step with a large number of members of the public, and his comment about the refusal of the members of the shop committee to sit down with the Parish Council is noted. However, the Subject Member, as with all elected representatives, has the right to express his own views on matters, even if these may not be in keeping with the views expressed by their parent Council, providing these are not disrespectful, discriminatory or otherwise offensive.

I have read the part of the complaint which relates to the Subject Member seeking to engineer a funding advantage in the Marhamchurch Village Shop Committee grant application process through his power as a Councillor. All members will often use their positions to seek to 'engineer' an advantage for projects which they support, and it is in their gift to do so, or not, as the case may be. Within this I have also considered if there was as personal advantage to be gained on the part of the Subject Member but cannot see, based on the information provided, that this is the case.

The Complainant has then raised her concerns about the fact that she has been called a liar by the Subject Member and in the complaint has said:

'Further along the email trail, after I had clarified that a Tree Survey has not been carried out by the present owner, Cllr O'Sullivan calls me a liar with the statement of -

'The problem about lies is they usually catch up.'

When I met with BSTC, as per the Clerks email summarising the meeting, they said that they carry out a Tree Survey for their woodland and it is listed as something we should do, for the purposes of planning future maintenance costs as well as ensuring the site is safe'.

The Subject Member has responded to this part of the complaint and has set out:

'As regards Cllr. Biddick-Bray's assertion that I called her a liar, this is untrue. I made a general comment about the well-known suggestion that lies have a habit of coming back to haunt people. I do however stand over my assertion that Cllr. Biddick-Bray's claims relating to the need for an annual & prior to purchase tree survey at the Hele Valley Trail are completely false. The only evidence she relied on to support her claim was unrecorded conversations with officers of Bude-Stratton Town Council who have since denied advising that any such legal obligation exists or advising Cllr. Biddick-Bray that such an obligation exists & the Clerk who was present has provided no indication of support for Cllr. Biddick-Bray's version.

Furthermore, the Clerk as legal adviser to MPC did not advise a survey was required, neither did our grant providers nor our insurers. I believe it was entirely appropriate for me to raise my concerns regarding the unnecessary spending of public money'.

Given the concerns expressed about this and the contrary views, I have considered if this one point should be referred for a more formal investigation. Were this to be done I have no doubt that, if both the Subject Member and the Complainant were interviewed on this point, then they would both maintain the positions which they have set out above and this would then expand the investigation still further. Given the current limitations of this process and the fact we are unable to interview under caution or take statements of truth, I do not believe that such a referral would be a good use of public funds.

There is a further concern raised relating to the email from 4 August 2025 and the Complainant has stated:

'Cllr O'Sullivan's email on 4 August 2025 replied as follows - 'We have a choice here, we can pander to the rantings of a single anonymous parishioner (assuming they are a parishioner)'

It is the Complainant's view that the Subject Member is disrespectful in how he addresses the concerned Parishioners' enquiry.

The Code of Conduct is set in place to ensure that there is a consistent standard of conduct across England, and in Cornwall this has been achieved through one Code being adopted by all Councils in Cornwall. The first of the general obligations is that you must treat others with respect, and the guiding principle of this is that comments can be made but they must not be unduly personal, but the Code is not in place to prevent comments being made.

On this basis I cannot find anything wrong with the comment by the Subject Member as, whilst blunt and to the point, it is not unduly personal or offensive. I've no doubt that a reasonable person would be of the view that the Subject Member could have expressed himself better, and perhaps used different terminology, but the same person would support the fact that the Subject Member has to be free to express his views, and the Code should not be used to censor a members views and/or to restrict the rights to be made.

Summary and Actions

The Independent Person has raised the fact that the complaint appears to be the result of a difficult working relationship and, having re-read all the submission from both sides, there is no doubt about this.

The Subject Member is challenging and forthright in his emails, and the Complainant appears to regularly take issue with the Subject Member's approach. The last point in the assessment above concerning the comments about the Parishioner are a good example of this. Whilst the stance taken by the Subject Member may not be in keeping with the Complainant's stance, the Complainant overlooks the right to be critical if the comments are reasonable.

I do agree with the Complainant about the concerns of the 'liar' comments as it was correct to challenge this as the Subject Member has in his correspondence stepped up to the line on this point but not over it and raising this is a reasonable thing to do.

In the middle of this is the village shop and other local matters which are important to both the Complainant and the Subject Member's constituents and dealing with matters at a local level can be an extremely difficult when views are polarised.

The stance taken in the complaint and the response are good examples of this, both members stress that they are working for the community, but the objective view is they are working against each other, and this is far from conducive to a good working environment.

As difficult as it can be at times, there is a need for more tolerance on one side and a less abrasive approach on the other to achieve the same end, and I do not consider that a finding of a breach or no breach under the Code would achieve this, and it could result in further division.

Therefore, it is recommended that the Parish Council considers using an independent arbitrator to work with both sides on the matters such as the Village Shop and the Hele Valley Trail. In making this recommendation, there is a requirement that all sides accept that they are working to position which benefit the community and that they engage positively with any arbitrator to reach a position which presents a unified picture. This may not always be one which is fully acceptable to one or another, but this recommendation is made to achieve the task through compromise, not to hinder it.

What happens now?

This decision notice is sent to the Complainant, the member against whom the allegation has been made and the Clerk to Marhamchurch Parish Council and a copy place on Cornwall Council's web site.

Right of review

At the written request of the Complainant the Monitoring Officer can review and, if the review is successful this may result in a change to the finding made in the original assessment.

We must receive a written request from the Complainant to review this decision within 14 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed. The grounds for requesting a review must be substantive, a re-submission of the original complaint will not be classed as substantive and neither will a request that sets out the findings are disagreed with, there must be fresh information in the request which was not consider at assessment which is so substantive this may request in a different outcome.

If we receive a request for a review, we will write to all the parties mentioned above, notifying them of the request to review the decision.

Additional help

If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

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