

Wiltshire Council

Standards Hearing Sub-Committee

11 March 2013

Consideration of an Investigator's report

Complaint regarding the alleged conduct of Councillor Roger Durie of Great Bedwyn Parish Council

1. On 23rd March 2012 the Monitoring Officer of Wiltshire Council received a complaint from Ms Jan Thornton regarding the alleged conduct of Roger Durie, a member of Great Bedwyn Parish Council.
2. The allegation is that Councillor Durie failed to show respect to Mrs Thornton:
 - (a) by permitting a motion about the application of the Parish Council's Vexatious Complaints Policy to be taken as a Part 1 agenda item; and
 - (b) by referring to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
3. The complaint is included within the Investigator's report (pages 23 to 34 of the Schedule of Evidence).
4. On 17th April 2012 the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor Durie. In accordance with section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee decided that the complaint should be referred to the Monitoring Officer for investigation. They considered that if proven, the behaviour giving rise to the complaint may be capable of breaching the following paragraphs of the Code:
 - 3(1) – You must treat others with respect.*
 - 5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*
5. The decision notice is included within the Investigator's report (pages 57 to 59 of the Schedule of Evidence).
6. Councillor Durie's Declaration of Acceptance of Office and Undertaking to observe the Code of Conduct is included in the Investigator's report at page 41 of the Schedule of Evidence.

7. The Monitoring Officer delegated his investigatory powers to Mrs Marie Lindsay, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000. A copy of the Investigator's report is **enclosed**.
8. The Investigator's report finds that there **has** been a breach of paragraphs 3(1) and 5 of the Code of Conduct in respect of permitting a motion about the application of the Parish Council's Vexatious Complaints Policy to be taken as a Part 1 agenda item. The Investigator's report finds **no breach** of paragraphs 3(1) and 5 of the Code of Conduct in respect of the reference to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
9. On 5th October 2012 the Monitoring Officer, in consultation with an Independent Person, considered Mrs Thornton's complaint, the Investigator's report, and Mrs Thornton's and Councillor Durie's comments on the report. This function was carried out pursuant to the approved Arrangements for Dealing with Code of Conduct Complaints under the Localism Act 2011 and a copy of the decision notice is attached.
10. The Monitoring Officer decided that he was satisfied that the Investigator's report was sufficient to determine this matter and that:
 - In respect of the allegation concerning Councillor Durie's permitting of the motion about the application of the Parish Council's Vexatious Complaints Policy to be taken as a Part 1 agenda item, that the matter be referred to a hearing
 - In respect of Councillor Durie's use of the word 'purported' in connection with The Knapp Tenants' Association, the findings of the Investigating Officer of no breach of the Code of Conduct are upheld.
11. The Monitoring Officer was of the view that the matter of allowing the motion to be taken as a Part 1 agenda item was unlikely to be able to be resolved through alternative resolution. Therefore pursuant to clause 6.4 of the Arrangements for Dealing with Code of Conduct complaints this matter is referred to a Hearing Sub-Committee of the Standards Committee for determination.
12. Under paragraph 6.2 of the Arrangements for Dealing with Code of Conduct Complaints, no further action is required in respect of Councillor Durie's referral to the Knapp Tenants' Association as 'purported'.
13. The Hearing Sub-Committee is therefore asked to consider the report and determine whether Councillor Durie's actions in allowing the motion to be taken as a Part 1 item have breached paragraphs 3(1) and 5 of the Code of Conduct.

Ian Gibbons, Monitoring Officer

Report Author: Marie Lindsay, Ethical Governance Officer

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Date of report: 26th February 2013

Background Papers

Final Investigation Report – 9th August 2012