

Private and Confidential

Case Reference: WC 03/12

Report of an investigation under Section 57A(2)(a) and 66 of the Local Government Act 2000 as amended, and Regulation 14 of the Standards Committee (England) Regulations 2008 by Roger Wiltshire appointed by the Monitoring Officer for Wiltshire Council into allegations concerning Councillor Russell Hawker.

REPORT

Date – 24th August 2012

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1. Executive Summary

1.1 On the 23rd January 2012 the Monitoring Officer for Wiltshire Council received a complaint from Mr John (Ian) Taylor. Mr Taylor alleges that Councillor Hawker has bullied him and behaved disrespectfully towards him at functions and meetings of Westbury Town Council, and in emails sent to various recipients in relation to work carried out by Mr Taylor as a member and Chair of the Laverton Institute Trust Management Committee (see appendix A1, pages 32 -36).

1.2 On the 23rd February 2012 the Standards Assessment Sub-committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-committee decided to refer the allegations relating to a breach of paragraph 3(1) *You must treat others with respect*, and paragraph 3(2) *You must not (b) bully any person*, of the Code of Conduct to the Monitoring Officer for investigation (see appendix A2, pages 37 - 38).

1.3 The Monitoring Officer delegated his investigatory powers to Roger Wiltshire, Ethical Governance Officer for Wiltshire Council, under section 82A of the Local Government Act 2000

1.4 Findings

1.4.1 In the events identified in paragraphs 7.4 to 7.12 below Councillor Hawker was either conducting the business of his authority or gave the impression he was acting as a representative of the authority. Accordingly the complaints fall within scope of the Code of Conduct by virtue of paragraph 2 of the Code.

1.4.2 The Standards for England guidance on paragraph 3(1) of the Code (*You must treat others with respect*), is clear that 'individuals should not be subject to unreasonable or excessive personal attacks'. Councillor Hawker actions and comments were both unreasonable and excessive and there has been a breach of paragraph 3(1) of the Code of Conduct.

1.4.3 The Standards for England guidance on paragraph 3(2) of the Code (*You must not... (b) bully any person*), says that bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Councillor Hawker has acted in a manner contrary to the guidance and there has been a breach of paragraph 3(2)(b) of the Code of Conduct.

1.5 Councillor Hawkers Official Details

1.5.1 Councillor Hawker has been a member of Westbury Town Council since May 2002 (see appendix A3, page 39).

- 1.5.2 Councillor Hawker serves on the Laverton Institute Trust Management Committee.
- 1.5.3 Councillor Hawker was elected Chairman of the Laverton Institute Trust Management Committee on the 17th October 2011 (see appendix A3, page 39).
- 1.5.4 Councillor Hawker also currently serves on the following Westbury Town Council committees and working groups –
Highways, Planning and Development Committee;
Car Parks Working Groups;
Tourism Working Group;
Town Centre Viability Working Group;
Health Working Group;
CCTV Working Group.
(See appendix A3, page 39).

2. The Complaint (see appendix A1, pages 32 - 36)

- 2.1 Mr Taylor alleges that at a reception held to launch the refurbished Laverton Institute building, Councillor Hawker, in his role as Chair of the Laverton Institute Trust Management Committee, made a speech which identified Mr Taylor by implication and accused Mr Taylor of ruining the refurbishment project and delaying the project progress by several years.
- 2.2 In the Westbury Town Council meeting held on the 7th November 2011, during the public forum of the meeting, Mr Taylor made a statement regarding the accusations made by Councillor Hawker at the reception launch. Mr Taylor alleges Councillor Hawker failed to apologise for his speech and stated that he stood by his remarks.
- 2.3 On the 25th November 2011, Councillor Hawker, in his role as Chair of the Laverton Institute Trust Management Committee, sent an email to 42 individuals and representatives of organisations, stating 'I intend to reply in full to every lie and misleading claim made by John Clegg and Ian Taylor'.
- 2.4 Mr Taylor alleges that in the Westbury Town Council meeting held on the 9th January 2012, Councillor Hawker accused Mr Taylor of lying, before the Mayor intervened and told Councillor Hawker to stop. The accusation was made in front of several members of the public and representatives of the press.
- 2.5 Mr Taylor believes Councillor Hawker has defamed him, bullied him and behaved disrespectfully towards Mr Taylor.

3 Preliminary issues

3.1 The start date of the complaint

3.2 In his complaint Mr Taylor states *'On the 25th October 2011 a Reception was held at The Laverton to celebrate its refurbishment and re-opening'*.

The Decision Notice summaries the complaint as *'The complainant alleges that between 25 October 2011 and 9 January 2012 Councillor Hawker engaged in bullying and disrespectful behaviour.....'*

3.3 The Laverton launch event was held on the 21st October 2011.

3.4 Although Mr Taylor gave the date of the event as the 25th October this appears to be an error as he identified the event as the Laverton launch event, and the information obtained during the course of the investigation show Mr Taylor was referring to the event held on the 21st October.

As Mr Taylor identified the event to which his complaint referred I have taken the start date of the investigation to be the date of the Laverton launch event, the 21st October. In making this decision I took the advice of Frank Cain, Barrister, Head of Legal Services and Deputy Monitoring Officer which included *'Therefore I am of the opinion that notwithstanding the decision notice the original complaint relates to the period 21 October and 9 January and therefore it would be appropriate for your investigation to include the meeting of the 21st.'*

3.5 I would ask whether the sub-committee wishes to consider and rule on whether they are willing to consider any information gathered relating to the 21st October Laverton launch event and if so whether they wish to formally record the correction of the error contained within the decision notice.

4 The relevant legislation and guidance

4.1 Westbury Town Council has adopted a Code of Conduct in which the following paragraphs are included;

4.2 Paragraph 2(1) *Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you*

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or

(b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.

4.3 In relation to this paragraph of the Code, there are two relevant Tribunal decisions. In one, the Appeals Tribunal held that taken overall, the contents of a councillor's blog gave the impression that she was acting in the role of councillor and representing the council. In the other, the First Tier Tribunal held that a blog entry made by a councillor on the day after the Annual Council meeting, giving a

detailed account of the meeting, was undertaken in his capacity as a councillor (see appendices B1, pages 47-48, and B2, pages 49-50, respectively).

4.4 *Paragraph 3. (1) You must treat others with respect.*

4.5 The Standards for England guidance relating to paragraph 3 (1) of the Code of Conduct is included in the appendix at B3, pages 51-52.

4.6 *Paragraph 3.(2) You must not.....
(b) bully any person;*

4.7 The Standards for England guidance relating to paragraph 3(2)(b) of the Code of Conduct is included at appendix B3, pages 51-52.

4.8 The European Convention on Human Rights.

Article 10 of the European Convention of Human Rights 'Freedom of expression' is included at appendix B3, pages 51-52.

4.9 Councillor Hawker, in an email dated 14th May 2012, highlighted the Appeals Tribunal Decision APE 0441, *Councillor Whipp V. Standards Committee of Pendle Borough Council*. In that case the Appeals Tribunal decided that the Standards Committee should have considered whether Councillor Whipp was justified in referring to two councillors and a member of the public as 'liars'. As there was insufficient evidence for the Appeals Tribunal to determine whether or not Councillor Whipp's use of 'liars' was justified, the appeal was allowed. The decision is included at appendix B4, pages 53-58.

4.10 In contrast, in case reference APE 0427, *Councillor Mason V. Needham Market Town Council*, Councillor Mason stated the Mayor and Deputy Clerk 'were proven blatant liars'. The Adjudication Panel decided that it was not the truth of the comments that were at issue but whether Councillor Mason had failed to treat others with respect. The Adjudication Panel decided there had been a breach of the Code of Conduct. The decision is included at appendix B5, pages 59-66.

4.11 In the First Tier Tribunal Decision, case reference LGS/2011/0537, Councillor Martin Brookes of Oakham Town Council, the Tribunal said it was not for the Tribunal to determine the validity of Councillor Brookes' criticism of the Town Clerk, but the Tribunal observed that the allegations made by Councillor Brookes did not inexorably lead to the conclusion that the Town Clerk was at fault. The relevant paragraphs are included at appendix B2, pages 49-50.

5 Evidence gathered

5.1 Oral evidence

5.1.1 Mr Taylor, statement (see appendix C1, pages 67-69)

- 5.1.2 Councillor Andrews, statement (see appendix C2, pages 70-72)
- 5.1.3 Mr Harvey (Westbury Town Clerk), statement (see appendix C3, pages 73-74)
- 5.1.4 Mrs Mantle (Assistant to the Town Clerk), statement (see appendix C4, pages 75-76)
- 5.1.5 Councillor Windess, statement (see appendix C5, pages 77-78)
- 5.1.6 Mr Eatwell, statement (see appendix C6, pages 79)
- 5.1.7 Councillor Hawker, statement (see appendix C7, pages 80-89)
- 5.1.8 Councillor Hawker, record of interview (see appendix C8, pages 90-96)

5.2 Other evidence

Documents have been received from -

Councillor Hawker

The staff of Westbury Town Council

The White Horse News paper

The Adjudication Panel website

6 Summary of the evidence and findings of material facts

Background

- 6.1 Mr Taylor is a former member of Westbury Town Council. Mr Taylor became a member of the Town Council in May 2007 and resigned on the 31st March 2009 (see appendix A3, page 39).
- 6.2 Mr Taylor is a former Chairman of the Laverton Institute Trust Management Committee. Mr Taylor was elected Chairman on the 23rd May 2007 and resigned on the 31st March 2009 (see appendix A, page 39).
- 6.3 The Laverton is a Victorian building in Westbury. Part of the building is used by Westbury Town Council as offices, and the building has recently been refurbished.
- 6.4 The Laverton Institute Trust is a charity registered with the Charities Commission. The Charities Commission website shows Westbury Town Council to be the trustee (see appendix A6, page 42).
- 6.5 The Laverton is managed by the Laverton Institute Trust Management Committee, a working group of Westbury Town Council (see appendix A6, page 42).
- 6.6 Councillor Hawker was elected Chairman of the Laverton Institute Trust Management Committee on the 17th October 2011 (see appendix A7, pages 43-44).
- 6.7 Councillor Stephen Andrews was the previous Chairman.

6.8 John Parker is the Laverton Project Officer, employed on a consultancy basis by Westbury Town Council.

6.9 Sioux How is employed by Westbury Town Council as Laverton Development and Marketing Manager. Sioux How is an officer of Westbury Town Council.

Detailed evidence and Findings of Fact

Within the narrative each finding of fact has been italicised and underlined for ease of reference.

6.10 'The Laverton launch event'

6.10.1 The evidence gathered during the course of the investigation and held in appendices D1 – D6, pages 97-102, show *The Laverton launch event was held on the 21st October 2011.*

6.10.2 The minutes of the Laverton Institute Trust Management Committee meeting held on the 26th April 2011 show the committee agreeing a provisional date for the Laverton launch event (see appendix D2, page 98).

The official invitations and the articles that appeared in the White Horse News ask people to respond to or contact staff of Westbury Town Council (see appendices D3 and D4, pages 99-100). In their statements Mr Harvey, Mrs Mantle and Mr Taylor state the Laverton launch event was an official event of Westbury Town Council.

In an email to me, dated 29th March 2011 Mr Harvey states the launch event was an official event of Westbury Town Council (see appendix D1, page 97).

Councillor Andrews in his email dated the 3rd May 2012, also states the launch was an official Westbury Town Council event (see appendix D7, page 103).

The Laverton launch event held on the 21st October 2011 was an official event of Westbury Town Council.

6.10.3 Councillor Hawker is named on the Laverton event invitation list as a Wiltshire Council Representative; however, he would also have been invited as a member of Westbury Town Council, and a member of the Laverton Institute Trust Management Committee (LITMC) (see appendix D6, page 102).

In his statement Mr Harvey said that Councillor Hawker was invited to the launch event as a councillor but more importantly he had recently become Chairman of the LITMC. Mrs Mantle in her statement says Councillor Hawker was invited to the launch event; he had become Chair of the LITMC the week before the event and he attended the event as Chair and member of the Laverton Institute Trust Management Committee.

In an email dated the 3rd May 2011, Councillor Hawker said in point 4 that he was certain that he was acting as a councillor and conducting council business at the re-launch event (see appendix D8, page 104).

In the record of the interview and in his statement Councillor Hawker says he attended the Laverton launch event in his capacity as a town councillor and as chairman of the LITMC.

Councillor Hawker attended the Laverton launch event in his capacity as a Westbury Town Councillor and as Chairman of the Laverton Institute Trust Management Committee.

6.10.4 In his statement Mr Harvey says Councillor Hawker made a speech at the event in his role as Chairman of the LITMC. Mr Taylor in his statement says Councillor Hawker was introduced as Chair of the Laverton Trust and he spoke at length. Councillor Hawker in the interview record and statement says he made a speech in his capacity as Chairman of the LITMC.

Councillor Hawker addressed the Laverton re-launch event in his capacity as Chairman of the Laverton Institute Trust Management Committee, a working group of Westbury Town Council, and in his capacity as a Westbury Town Councillor.

6.10.5 The statements of Mr Taylor, Mr Harvey and Councillor Hawker agree that Councillor Hawker did not mention Mr Taylor by name; however, there is agreement that it was possible to identify individuals, including Mr Taylor.

During his speech delivered at the Laverton launch event Councillor Hawker did not refer to Mr Taylor by name.

6.10.6 Mr Taylor could be identified from the comments made by Councillor Hawker.

6.10.7 There is also agreement that Councillor Hawker's speech was critical of Mr Taylor, that the speech accused Mr Taylor of applying for the wrong funding, delaying or disrupting the progress of the Laverton Project, and even destroying or trying to kill the project off.

The record of interview shows Councillor Hawker saying 'I was criticising Ian's actions, not attacking him personally.' (See appendix C8, pages 90-96).

Councillor Hawker in his statement says 'I criticised the actions of some people but made no personal attacks and did not mention names anyway.' (See appendix C7, pages 80-89).

Councillor Hawker's speech was critical of Mr Taylor and the actions of Mr Taylor whilst he was Chairman of the LITMC.

6.10.8 The statements of Councillor Windess, Mr Harvey and Mr Taylor state some people were upset by Councillor Hawker's speech, that it was not the time or place for the speech and that some people walked out of the event.

Councillor Hawker's speech caused some upset.

6.11 The Westbury Town Forums

6.11.1 The Westbury Town Forum calls itself the official Westbury Town Forum. It is an internet 'discussion' site which allows people to start a discussion on a particular topic, or add 'posts' to an existing discussion topic. The Forum claims to be independent and nothing to do with the Council, newspapers or businesses.

6.11.2 In the record of interview and in his statement Councillor Hawker confirms he contributes to the forum using the pseudonym 'Baldy' (see appendices C7 and C8, pages 80-89 and 90-96).

Councillor Hawker contributes to discussions using the pseudonym 'Baldy'

6.11.3 Other contributors to the postings, Mike Hawkins and Charlie Finbow, have sent replies to the 'Baldy' posts but addressed to 'Russell' (see appendix E1). In the record of interview Councillor Hawker says "...most people who use the forum would know I am 'Baldy' (see appendix C8, pages 90-96).

Forum users know that 'Baldy' is the pseudonym of Councillor Hawker

6.11.4 Councillor Hawker's posts are accompanied by a header 'I may disagree with your views but I am NOT attacking you!', and a footer 'I'm here in my private capacity as a local resident only (Unless stated otherwise)'. (see appendix E1, pages 105-113)

6.11.5 **The content of the forum posts**

On the 22nd October 2011, Councillor Hawker, using the pseudonym 'Baldy', added posts to an ongoing discussion, topic – 'Re: the Laverton grand opening' (see appendix E1, pages 105-113).

6.11.6 Councillor Hawker in his posts makes a report of an official Westbury Town Council event;

He responds to a question from Mike Hawkins that seems to have been asked of him in his official capacity, 'Thanks for this Russell.....' 'How do you, as the new Chairman, propose to bring in income?

Councillor Hawker refers to members of Westbury Town Council staff and their part in organising the launch;

Councillor Hawker refers to 'we' when describing the actions taken by Westbury Town Council – We had to start all over again in 2008 and we brought in John Parker as project adviser/officer to lead us along.

We have a new hall manager in a post called the 'Laverton Development and Marketing Officer.....

....but there are some good people on the working group who know how to market and sell things...should the need to do it ourselves arise.....'

Councillor Hawker talks at length and in detail of why the previous LITMC chairman resigned and why he, Councillor Hawker, was willing to accept the nomination to be Chair of the LITMC, a working group of Westbury Town Council.

In his posts to the Westbury Town Forum on the 22nd October 2011, Councillor Hawker discussed and reported on official business of Westbury Town Council.

6.11.7 In the Appeals Tribunal case reference APE 0421 Councillor McTigue, the Tribunal found that Councillor McTigue, when making postings to a forum site using the pseudonym 'Indie' gave the impression she was acting in her role of councillor and representing the council (see appendix B1, pages 47-48).

6.11.8 The First Tier Tribunal in case reference LGS/2011/0537, Councillor Brookes, decided that a blog entry made by Councillor Brookes in which he described in detail an account of a council meeting, was made in his official capacity; he was using his blog to communicate, as a councillor, with the electorate of the parish (see appendix B2, pages 49-50).

6.11.9 I have taken into account the content of Councillor Hawker's posts to the forum site and the Tribunal decisions as highlighted in paragraphs 6.11.7 and 6.11.8 above, and find that whilst making posts to the Westbury Town Forum, Councillor Hawker gave the impression he was acting in his capacity as a councillor and was representing the council.

6.12 Westbury Town Council meeting 7th November 2011

6.12.1 A full meeting of Westbury Town Council was held on the 7th November 2011.

6.12.2 Councillor Hawker attended the meeting in his capacity as a member of Westbury Town Council

6.12.3 During the 'Public Forum' section of the above meeting, Mr Taylor made a statement regarding the speech made by Councillor Hawker at the Laverton re-launch event. Mr Taylor's statement included that he had given a small dossier of documents to the Town Clerk.

6.12.4 During the 'Public Forum' section of the same meeting, Mr J Clegg made comments regarding the way Councillor Andrews had been dismissed as Chair of the Laverton Institute Trust Management Committee.

6.12.5 The minutes of the 7th November meeting state 'In reply, Councillor Hawker stated he stood by all he had said against Mr I Taylor and Mr J Clegg'.

6.12.6 A motion was raised at the 7th November 2011 meeting, that the Laverton Institute Trust Management Committee be changed from a working group, to a committee of the Council. The motion was defeated.

(See appendices F1 pages 114-116, F2 pages 117-120, F3 pages 121, and F4 pages 122-137).

6.13 The White Horse News paper

6.13.1 Mr Taylor sent a letter to the White Horse News paper, published in the 24th November 2011 edition, in which he talks of Councillor Hawker's proposal to change the Laverton Working Group to a committee. Mr Taylor also calls into question Councillor Hawker's motivation for raising the proposal (see appendices G1 page 138 and G2 page 139).

The 'White Horse News' newspaper dated the 24th November 2011 contained a letter written by Mr Taylor.

6.13.2 The same edition of the White Horse News contained an article also relating to Councillor Hawker's speech and Mr Taylor's statement. The article quotes Mr Taylor as saying 'Obviously I found his remarks offensive and unnecessary. I thought his behaviour was inappropriate and loutish. Unfortunately that's nothing new. More importantly his remarks are untrue' (see appendix G3, page 140).

The 'White Horse News' paper dated the 24th November 2011 contained an article relating to Councillor Hawker's speech at the Laverton launch event and Mr Taylor's statement made to Westbury Town Council on the 7th November 2011.

6.14 Westbury Town Council email addresses

6.14.1 Mr Harvey, Westbury Town Clerk, Mrs Mantle Assistant to the Clerk and Councillor Hawker have all said in their statements and interview record that only Westbury Town Council staff have official council email addresses. Councillors use their own, personal email addresses.

6.14.2 Westbury Town Councillors do not have official, Westbury Town Council email accounts or addresses. Westbury Town Councillors use their personal emails addresses.

6.15 Councillor Hawker's email to Mr Harvey and Mrs Mantle

6.15.1 On the 24th November 2011 Councillor Hawker sent an email to Keith Harvey (Town Clerk, Westbury Town Council) into which he also copied Barbara Mantle (Assistant to the Town Clerk). (See appendix H1, page 146).

6.15.2 The email includes –

- A request for documents of Westbury Town Council;
- A request for documents given to and held by Westbury Town Council;
- How Councillor Hawker wants to receive those documents;
- The time at which the information was to be ready;
- The request for information is in bold print;
- The instruction for the documents to be available 'ASAP' is also in bold print.

6.15.3 Councillor Hawker says he sent the email in his capacity as a local politician; he was not conducting council business.

Mr Harvey says in his statement that he assumed Councillor Hawker was asking for documents in his capacity as a Westbury Town Councillor. Mrs Mantle believes Councillor Hawker sent the email in his capacity as a Westbury Town Councillor.

The email was from a serving councillor making a strong request for documents held by the Town Council, specifying the format for the documents and when they were to be ready. The two members of Westbury Town Council in receipt of the email believe it was an official request for information from a councillor.

At the time Councillor Hawker sent the email to Mr Harvey and Mrs Mantle he was acting in his capacity as a councillor.

6.15.4 Within the email Councillor Hawker refers to Ian Taylor in the following terms- ‘...the pack of lies that Ian Taylor has recently stated...’. ‘...Ian Taylor is a bare-faced liar and deceived the council...’, ‘...based on a string of lies and his own muddles and nonsense...’, ‘...He then made a series of deceptive manoeuvres...’, ‘.....statements designed to confuse everyone.....’. (See appendix H1, page 146).

6.16 The Laverton General Interest Group (GIG)

6.16.1 The Laverton GIG is a ‘General Interest Group’ comprised of people with an interest in The Laverton, for example- stakeholders and those who may wish to use the venue. An email was sent to the GIG mailing list, with the subject heading – Laverton GIG agenda for 6.30pm 7 December.

6.16.2 Mr Kerry Eatwell, a member of the GIG, sent an email, copied to all GIG members, on the 25th November 2011 saying that he had no objection to the new chairman’s appointment, but he did not agree with the manner and timing of the appointment and that he was withdrawing from the GIG.

6.16.3 Councillor Hawker responded at length to Mr Eatwell via email, copied to all GIG members, on the same day (see appendix I1, pages 147-149).
Councillor Hawker sent an email on the 25th November 2011 at 17.42pm, which was copied to all members of the GIG.

6.16.4 Mr Eatwell in his statement said ‘To me, the email from Russell Hawker appeared to be a personal email, rather than one sent in his capacity as a councillor’.

6.16.5 In the interview record Councillor Hawker says that he joined the GIG as a member of the public but he was now the Chairman and received the email from Mr Eatwell as Chairman of the committee.

6.16.6 In his both his statement and record of interview Councillor Hawker says he did not stop to think in what capacity he was replying to Mr Eatwell. In the

interview record Councillor Hawker also says that people may have thought he was responding as a councillor.

6.16.7 In the third paragraph of Councillor Hawker's email he states 'As a councillor, I've always been happy to stand up to liars and other nonsense'. In the last paragraph Councillor Hawker says 'As a councillor determined to ensure that the public know the truth...' Reinforcing he is a councillor.

6.16.8 In his email, Councillor Hawker twice states he is a councillor.

6.16.9 Councillor Hawker refers to the speech he made at an official event of the Council, the Laverton launch event. The 4th paragraph mentions the public forum of a Westbury Town Council meeting; the 7th paragraph refers to the events of a previous Town Council meeting and the actions of a councillor at that meeting; the 9th paragraph refers to a meeting of the LITMC, a working group of the Town Council; paragraphs 5, 12 and 13 refer to the Laverton launch event, an official event of Westbury Town Council; the 13th paragraph refers to the Mayor's speech and Councillor Hawker's own speech made at the launch event.

The email talks at length of why Councillor Andrews had to stand down as Chair of the LITMC; of the working of the LITMC, a working group of Westbury Town Council; and of John Parker, employed by Westbury Town Council as a Project Manager, applying for grants.

In his email sent on the 25th November 2011 to all members of the GIG, Councillor Hawker refers extensively to the business of Westbury Town Council.

6.16.10 I have considered the content of Councillor Hawker's email and that he twice states he is a councillor. I have also taken into account the Tribunal decisions in the cases held in appendices B1 and B2 and find that the email sent by Councillor Hawker on the 25th November 2011 to members of the GIG gave the impression he was acting in his capacity as a councillor and was representing the authority.

6.16.11 In the fourth paragraph of the letter Councillor Hawker states 'I intend to reply in full to every lie and misleading claim made by John Clegg and Ian Taylor recently in the public forum of the town council (and as repeated verbatim in this week's White Horse News)'.

6.16.12 On the 26th November 2011 at 8.58am, Councillor Hawker sent an email to all members of the General Interest Group (see appendix I2, pages 150-151).

Given the short time between the emails, that both emails were sent to the same people, and that the second email starts 'I do not intend to reply to all of Ian's points by email.....' a link to the statement contained in the first email, it is reasonable to assume the email of the 26th November is an addendum of the previous email.

6.16.13 In the email of the 26th November Councillor Hawker points out that he is the longest serving member of the LITMC; the email talks of how and why Ian Taylor was co opted to the LITMC; Councillor Hawker mentions Mr Taylor confusing the rest of the council; and there is mention of how the applications for Lottery Funding were handled.

6.16.14 Included in Councillor Hawker's email are the following references to Mr Taylor – 'It was clear to me that the committee was being hoodwinked by a fraudster', '.....I had no confidence in anything Ian ever said because it was all a series of manipulations and nonsense designed to cover his own errors and confuse the rest of the council...'

6.16.15 In his email sent on the 26th November 2011 to all members of the GIG, Councillor Hawker refers extensively to the business of Westbury Town Council.

6.16.16 I have considered the content of the email and that it appears to be an addendum to the email sent on the 25th November. I have also considered the Tribunal decisions in the cases held in appendices B1 and B2 and find that the email sent by Councillor Hawker on the 26th November 2011 to members of the GIG gave the impression he was acting in his capacity as a councillor and was representing the authority.

6.17 Councillor Hawker's letters published in the White Horse News

6.17.1 The White Horse News paper published on the 6th December 2011 contained two letters written by Councillor Hawker. One letter was in response to Mr Clegg, the other in response to Mr Taylor. In the first part of the letter regarding Mr Taylor, Councillor Hawker reiterates his belief Mr Taylor was the wrong person to chair the LITMC and apply for grants; that Mr Taylor bungled the grant applications, and that Mr Taylor effectively shut the Laverton building. In the second part of the letter Councillor Hawker says it was Councillor Andrews who proposed the LITMC change from working group to standing committee (see appendix G4, page 141).

The 'White Horse News' paper dated the 6th December 2011 contained two letters from Councillor Hawker.

The letters refer extensively to the workings of Westbury Town Council.

The letter regarding Mr Taylor is signed Councillor Russell Hawker, Westbury Town Council.

6.17.2 In the First Tier Tribunal case. LGS/2011/0537, Councillor Brookes (see appendix B2, pages 49-50), the Tribunal decided Councillor Brookes used a blog to communicate as a councillor with the electorate. Councillor Hawker has used the White Horse News to express his views on council business and has identified himself as a councillor.

Councillor Hawker was acting in his official capacity when sending the above letters to the White Horse News.

6.17.3 In an email dated the 29th June 2012, Councillor Andrews states the proposal to change the LITMC from a working group to a committee was not made by him. Councillor Andrews believes the proposal was made by Councillor Hawker (see appendix G5, pages 142-143). Neither the agendas nor the minutes of the LITMC meetings held on the 17th and 20th October 2011 record who made the proposal. However, Keith Harvey, Westbury Town Clerk, and Barbara Mantle, Assistant to the Town Clerk, state Councillor Andrews did not ask for the item to be on the agenda, their impression is that the request came from Councillor Hawker (see appendices G6, page 144, and G7, page 145).

Councillor Andrews did not request the proposal to change the LITMC from a working group to a committee be added to the agenda of meetings.

6.18 The Westbury Town Council meeting, 9th January 2012 (see appendix J2, page 155)

6.18.1 A full meeting of Westbury Town Council was held on the 9th January 2012

6.18.2 Councillor Hawker attended the meeting in his capacity as a member of Westbury Town Council.

6.18.3 The minutes of the above meeting show item T.2581 'Matters Arising from These Minutes:', 'Members' matters arising from these minutes;

6.18.4 Councillor Andrews spoke on this item, referring to the Mr Taylor's statement made in the public forum of the meeting held on the 7th November 2011 and Councillor Hawker's response (see paragraphs 6.12 to 6.12.5 above).

6.18.5 The minutes of the meeting state 'Councillor Hawker did not accept Councillor Andrews' comments on this matter'.

6.18.6 Councillor Andrews believes that Councillor Hawker responded that he still stood by what he had said and if Mr Taylor was saying differently he was lying; Councillor Andrews believes that the Mayor, then Councillor Windess, intervened, banging his gavel. Councillor Windess concurs with Councillor Andrew's comments, but no one else recalls an intervention.

There is no conclusive evidence that Councillor Hawker, during the Westbury Town Council meeting held on the 9th January 2012, stated Mr Taylor was lying

6.18.7 On the 19th July 2012 I received an email from Mr Taylor which included three attached documents – the minutes of the Westbury Town Council meeting held on the 4th September 2006, the minutes of the LITMC working group meeting held on

the 1st November 2006, and the minutes of the Westbury Town Council meeting held on the 6th November 2006. The relevant extracts from the meetings are held at appendix J3, pages 156-158.

6.18.8 *The minutes of the LITMC meeting on the 1st November 2006 show the preparation work towards the bid for Heritage Lottery Funding was divided amongst the working group, including Councillor Hawker.*

6.18.9 Councillor Hawker has claimed that the bid for Heritage Lottery Funding made by Mr Taylor failed as Mr Taylor failed to stress the heritage aspect of the Laverton (see the email dated 24th November 2011, appendix H1 page 146, email dated 26th November 2011 page 150-151, and letter to the newspaper G4 page 141). The minutes of the LITMC working group meeting held on the 1st November 2006 show that Mr Taylor suggested the bid be themed on heritage, but that another proposal was made suggesting the charity objectives be stressed. The minutes suggest the latter proposal was accepted (see appendix J3, pages 156-158).

6.18.10 On the 19th June 2012 I received an email from Councillor Hawker. The last paragraph of Councillor Hawker's email includes '*.....an email from the Heritage Lottery Fund received today confirming that they are encouraging us.....to make a HLF application. This shows the fallacy that HLF were not interested in The Laverton as claimed by Ian Taylor.....*' Attached were email exchanges between John Parker, Laverton Project Officer, and Philippa Davies of the Heritage Lottery Fund. At the request of Councillor Hawker I have not included copies of the emails in the appendix.

The emails only show that the Heritage Lottery Fund is currently broadly supportive in aiding the Laverton Project in making an application for funding. It is not proof of any exchange or support in the period 2007 to 2009, and is not proof that an application for funding made in that period would have been successful.

7 Reasoning

7.1 Matters that fall to be considered in the investigation

7.1.1 Councillor Hawker, in an email dated the 12th May 2012, queried the approach of the investigation. Councillor Hawker said that I could not tell whether a breach of paragraphs 3(1) or 3(2)(b) of the Code of Conduct had occurred without considering all the relevant circumstances of the matter and - fundamentally - whether what he said or did was actually correct or factually true (see appendix J2). This would ultimately mean the investigation having to decide whether or not Mr Taylor, as per Councillor Hawker's allegations, had lied whilst a member or Chair of the Laverton Institute Management Committee. It is not the place of this investigation to make such a decision.

7.1.2 Councillor Hawker, in an email sent on the 14th May 2012, included a link to an Appeals Tribunal case, reference APE 0441, Councillor Whipp (see appendix B4, pages 53-58).

Councillor Hawker believes the decision in that case is relevant to the complaint against him.

7.1.3 The Standards Committee of Pendle Borough Council decided that Councillor Whipp, a member of Barnoldswick Town Council, had breached the Code of Conduct under paragraph 3(1) when he referred to two councillors and a member of the public as 'liars' in an open meeting of the Town Council. The Standards Committee decided that the use of the word 'liars' went beyond political expression, and was rude and offensive. The Standards Committee did not consider whether or not the use of the word 'liars' was justifiable, and seem to have determined that such a possibility did not concern them. The Appeals Tribunal stated this approach was flawed; in that particular case there was evidence to suggest the term 'liars' was justifiable (see appendix B4, pages 53-58 and paragraphs 7 to 14 of the Tribunal decision).

7.1.4 Paragraph 15 of the Tribunal decision sets out the grounds for allowing Councillor Whipp's appeal.

7.1.5 Paragraph 16 of the Tribunal decision makes reference to another case, APE0427, *Mason versus Needham Market Town Council*, and points out the cases are different and each turns on its own particular facts.

7.2 I have considered case reference APE 0427, *Councillor Mason versus Needham Market Town Council* (see appendix B5, pages 59-66).

7.2.1 In a meeting of Needham Market Town Council in May 2008, Councillor Mason referred to another councillor, Josephine Lea, and the Deputy Clerk as 'proven blatant liars'. Councillor Mason believed these two people, during a previous investigation into the conduct of Councillor Mason that had taken place in 2006, had lied regarding an alleged telephone call said to have taken place in December 2005.

7.2.2 The Tribunal found Councillor Mason's views were well known and there was no new information that required the issue to be raised again.

7.2.3 The Tribunal decided that although they understood Councillor Mason wished the Tribunal to make a finding on the events that took place in December 2005, it was not necessary to do so when determining whether Councillor Mason had breached the Code of Conduct. The Tribunal was satisfied that the comments of Councillor Mason were, in the particular circumstances, a breach of the Code whether or not they were true.

7.2.4 I contend that the circumstances of the complaint against Councillor Hawker, reference WC 03/12, align closely with those of the Adjudication Panel case APE0427, Councillor Mason.

7.3 I would also refer to case reference LGS/2011/0537; Councillor Brookes (see paragraph 4.11 above and appendix B2, paragraph 34 of the Tribunal Decision). The fact that Westbury Town Council failed in its original bid to secure lottery funding does not inexorably lead to the conclusion that Mr Taylor was at fault, nor that he lied, misled or defrauded Westbury Town Council.

7.4 Paragraph 2 of the Code of Conduct, Scope

7.4.1 I have first considered whether Councillor Hawker was conducting the business of his authority, or was acting, claiming to act or gave the impression he was acting as a representative of his authority at the time of the incidents considered as part of this investigation (see paragraph 4.2 above).

7.5 The Laverton Launch event on the 21st October 2011.

7.5.1 Councillor Hawker attended the Laverton launch event in his capacity as a Westbury Town Councillor and made a speech in his role as Chairman of the Laverton Institute Trust Management Committee, a working group of Westbury Town Council. Councillor Hawker was conducting the business of his authority and paragraph 2(1)(a) of the Code of Conduct applies.

7.6 The Westbury Town Council meetings held on the 7th November 2011.

7.6.1 Councillor Hawker attended the above meeting in his capacity as a member of Westbury Town Council and as such paragraph 2(1)(a) of the Code of Conduct applies.

7.7 The posts made by Councillor Hawker on the Westbury Town Forum.

7.7.4 Taking the contents of the postings as a whole (see paragraphs 6.11 to 6.11.6 above and appendix E1), and the decisions of the Tribunals in the McTigue and Brookes cases, I contend that whilst making posts on the Westbury Town Forum, Councillor Hawker gave the impression that he was acting as a representative of Westbury Town Council and paragraph 2(1)(b) of the Code of Conduct applies.

7.8 Councillor Hawker's email 24th November 2011

7.8.1 Councillor Hawker sent an email to the Town Clerk and the Assistant to the Town Clerk on the 24th November 2011. When sending the email Councillor Hawker was acting in his capacity as a councillor (see paragraphs 6.15 – 6.15.3 above) and paragraph 2(1)(a) of the Code of Conduct applies.

7.9 The emails sent to the Laverton General Interest Group (GIG)

7.9.1 The emails of 25th and 26th November 2011

7.9.2 I have considered the emails in the light of the Tribunal decisions as contained in appendices B1 and B2, and I do not agree with Mr Eatwell when he says Councillor Hawker's email appeared to be a personal email (see paragraph 6.16.4 above).

Given that twice in the emails Councillor Hawker identifies himself as a councillor, the content of the emails, and the detail of the workings of Westbury Town Council as highlighted in paragraphs 6.16.7 to 6.16.15 above, Councillor Hawker gave the impression that he was acting as a representative of his authority and paragraph 2(1)(b) of the Code of Conduct applies.

7.11 Councillor Hawker's letters published in the White Horse News, 6th December 2011 edition.

7.11.1 Councillor Hawker's letter published in the White Horse News` regarding Mr Taylor is signed 'Russell Hawker, Westbury Town Councillor', and talks extensively of Westbury Town Council business and how the council runs. Councillor Hawker used the letter published in the newspaper to communicate his view of council matters to the local electors. I have taken into account the Tribunal Decision in the Brookes case (see appendix B2) and conclude that Councillor Hawker was conducting the business of the authority in the letter and therefore paragraph 2(1)(a) of the Code of Conduct applies.

7.12 The Westbury Town Council meeting held on the 9th January 2012.

7.12.1 Councillor Hawker attended the above meeting in his capacity as a member of Westbury Town Council and as such paragraph 2(1)(a) of the Code of Conduct applies.

7.13 Paragraph 3(1) You must treat others with respect.

7.13.1 The Standards for England guidance relating to paragraph 3(1) of the Code of Conduct is included in appendix B3.

7.13.4 **The European Convention on Human Rights**, paragraph 10(1) gives everyone the right to freedom of expression, the right to hold opinions, and the right to impart information without interference from public authority. Political expression is allowed a high level of protection. However, it is not an absolute right, Article 10(2) sets out the conditions in which an interference of freedom of expression is allowed and includes '*for the protection of the reputation or the rights of others*' (see appendix B3). The right to freedom of expression does not entitle a person to make comments which damage the reputation or infringe the rights of another. The statements and comments made by Councillor Hawker as identified in paragraphs 7.14 to 7.18.7 below are personal abuse and do not

receive the protection of paragraph 10 of the European Convention on Human Rights.

7.14 The Laverton Launch event held on the 21st October 2011.

7.14.1 Councillor Hawker, at the Laverton launch event made a speech which was heavily critical of the role and work undertaken by people previously involved in the Laverton Project. Although Councillor Hawker did not mention Ian Taylor, a former Chairman of the LITMC, by name, it was clear to some that Councillor Hawker was referring to Ian Taylor. There is agreement that Councillor Hawker's speech caused some upset and that following the speech some people left the meeting (see paragraphs 6.10.5 – 6.10.8, above).

7.14.2 Standards for England guidance for paragraph 3(1) states that criticism of ideas and opinions is part of democratic debate, however, Councillor Hawker's speech at the Laverton launch event was not part of a debate as Mr Taylor had no right of reply.

7.13.2 The same guidance states *'they (councillors) may also seek to discredit the policies and actions of their opponents'*. Mr Taylor resigned from Westbury Town Council on the 31st March 2009, two and half years before the Laverton launch event and the start of the chain of events that led to Mr Taylor's complaint. In light of this, it is hard to classify Mr Taylor as an 'opponent' of Councillor Hawker, and Mr Taylor should be viewed as a member of the public. However, I am aware that Mr Taylor is capable of defending his opinions and has defended his position in a Westbury Town Council meeting and in the White Horse News.

7.14.3 Standards for England guidance for paragraph 3(1) further state that individuals should not be subject to unreasonable or excessive personal attack. Councillor Hawker was referring to events that had taken place between four and a half and two and half years prior to the launch event; publicly accused Mr Taylor of trying to kill the Laverton Project; did so at an event that celebrated the refurbishment of the Laverton; at a time when Mr Taylor did not have the right to reply.

7.14.4 Councillor Hawker's speech was an unreasonable attack on Mr Taylor, and can be seen as part of a pattern of behaviour that breaches paragraph 3(1) of the Code of Conduct.

7.15 Posts made by Councillor Hawker on the Westbury Town Forum.

7.15.1 The posts made by Councillor Hawker on the Westbury Town Forum include a 'header' *'I may disagree with your views but I am NOT attacking YOU!* However, Councillor Hawker's posts made on the 22nd October 2011 include the phrases -

'There was also a focus on those who did their best to kill off the project, just so that people remember who those brass-necked individuals are (given that they had the brass neck to attend the event).'

'Bill Braid did his best to kill off the Laverton Project....'

'Ian Taylor actually did destroy the project as chairman.....'

7.15.2 Councillor Hawker was referring to events that had taken place between four and a half and two and half years prior to the launch event; the event at which Councillor Hawker made his speech celebrated the refurbishment of the Laverton, and it is doubtful that Mr Taylor destroyed the project. Councillor Hawker's comments are not a disagreement over views, they are attacks on an individual, attacks which are Councillor Hawker's opinions, but which are not proven.

7.15.4 I contend that Councillor Hawker's posts on the Westbury Town Forum should be seen as part of a pattern of behaviour that breaches paragraph 3(1) of the Code of Conduct.

7.16 The Westbury Town Council meeting of the 7th November 2011

7.16.1 Mr Taylor attended the above meeting and during the time set aside for the Public Forum, read out a statement rebutting the comments made by Councillor Hawker in his speech at the Laverton launch event (see appendix F3).

7.16.2 The minutes of the meeting record Councillor Hawker stating that he stood by all he had said against Mr Taylor (see appendix F2).

7.16.3 The witness statements taken during the course of the investigation broadly agree with the minutes.

7.16.4 Councillor Hawker did not repeat or elaborate on his previous comments; he only said that he stood by them. I do not believe this is enough to show a breach of the Code of Conduct. Councillor Hawker's actions at the Westbury Town Council meeting held on the 7th November 2011 have not led to a breach of the Code of Conduct.

7.17 Councillor Hawker's email 24th November 2011

7.17.1 Councillor Hawker sent an email on the 24th November 2011. The email was sent to two staff members of Westbury Town Council. The first three, short, paragraphs and the last paragraph of the email do not breach the Code of Conduct. Further to this, if the email had only consisted of these paragraphs it would have still read in such a way as to make sense.

7.17.2 The fourth, long paragraph includes the phrases *'There are some serious issues arising from the pack of lies that Ian Taylor recently stated, not least his claim that what I have said is untrue....'*, *'The fact of the matter is that Ian Taylor is*

a bare-faced liar and deceived the council throughout his involvement...'; '...based on a string of lies and his own muddles and nonsense.' 'He then made a series of deceptive manoeuvres...and statements designed to confuse everyone.....'.

7.17.3 Definitions of the above phrases include –

‘Pack of lies’ – a completely false story or account;

‘Bare-faced’ – obvious, shameless, bold or brazen liar, a remark or action that is clearly untrue;

‘Deceptive’ – designed to mislead, to make someone believe something that is not true.

7.17.4 Mr Taylor has provided a copy of the statement which he read out at the Westbury Town Council meeting held on the 7th November 2011. Parts of the statement were repeated verbatim in an article that appeared in the White Horse News. Both the statement and article include a potentially provocative comment referring to Councillor Hawker - *‘I found his remarks offensive and unnecessary. I thought his behaviour was inappropriate and loutish. Unfortunately that’s nothing new.’*

7.17.6 Councillor Hawker makes three separate statements that Mr Taylor had lied. It is Councillor Hawker’s belief that Mr Taylor has lied, it is not fact and has not been proven or considered by an independent tribunal. Councillor Hawker also accuses Mr Taylor of deceiving the council and deception. The statements were a personal attack on Mr Taylor that were damaging to his reputation. Councillor Hawker’s email does not treat Mr Taylor with respect and is an unreasonable and excessive personal attack.

7.17.7 I contend that Councillor Hawker’s email dated the 24th November 2011 breaches paragraph 3(1) of the Code of Conduct, and should be viewed as part of a pattern of behaviour that has also caused a breach of the same paragraph of the Code of Conduct.

7.18 The General Interest Group emails

7.18.1 The majority of Councillor Hawker’s email of the 25th November 2011 refers to Councillor Andrews. Mr Taylor’s complaint, reference WC 03/12, did not include Councillor Hawker’s treatment of Councillor Andrews and I have not considered the comments relating to Councillor Andrews.

7.18.2 The email of the 25th November includes a reference to John Clegg. Mr Taylor’s complaint, reference WC 03/12, did not include Councillor Hawker’s treatment of John Clegg and I have not considered the comments relating to John Clegg.

7.18.3 The email of the 25th November includes the paragraph *'I intend to reply to every lie and misleading claim made by John Clegg and Ian Taylor recently in the public forum of the town council (and as repeated verbatim in this week's White Horse News). Almost every point they have made is untrue and/or misleading'*.

7.18.4 Councillor Hawker's email of the 26th November 2011 includes the phrases *'It was clear to me that the committee was being hoodwinked by a fraudster'* and *'I had no confidence in anything Ian ever said as it was all a series of manipulations and nonsense designed to cover his own errors and confuse the rest of the council...'*

7.18.5 The definitions of the above phrases include –

'Hoodwinked' – to dupe or trick; to trick someone to gain an advantage for you.

'Fraudster' – someone who deliberately cheats or deceives; someone who deceives in order to secure an unfair or unlawful advantage.

'Manipulate' – to control someone cleverly or deviously; to influence deviously; to tamper with or falsify for personal gain.

7.18.6 The above are very strong allegations that suggest Mr Taylor had lied and deceived the council for personal gain. The statements were a personal attack on Mr Taylor that were damaging to his reputation. Councillor Hawker's email does not treat Mr Taylor with respect and is an unreasonable and excessive personal attack.

7.18.7 I contend that Councillor Hawker's emails dated the 25th and 26th November 2011 breach paragraph 3(1) of the Code of Conduct, and should also be viewed as part of a pattern of behaviour that has caused a breach of the same paragraph of the Code of Conduct.

7.19 Councillor Hawker's letter published in the White Horse News

7.19.1 In the published letter Councillor Hawker says that Mr Taylor's comments were entirely untrue and/or juvenile nonsense. Councillor Hawker also says that he stands by what he said as it is all absolutely true. This is open to debate, e.g. who raised the proposal to change the LITMC to a committee (see paragraph 6.17.3 above), and the emphasis of the Heritage Lottery Fund bid (see paragraph 6.18.9), but it may well be that Councillor Hawker believes it to be true and he is entitled to hold and state an opinion. However, the statement that Mr Taylor's comments were entirely untrue and that Councillor Hawker was absolutely right is misleading, the use of the term 'juvenile nonsense' is provocative, and may be seen as a continuation of a pattern of behaviour. However, it should be remembered Councillor Hawker was replying to a letter that appeared to question his integrity and a newspaper article where Mr Taylor refers to Councillor Hawker's behaviour as inappropriate and loutish.

7.19.2 In this instance, Councillor Hawker did not breach the Code of Conduct.

7.20 The Westbury Town Council meeting held on the 9th January 2012

7.20.1 There is no conclusive evidence that Councillor Hawker, during the Westbury Town Council meeting held on the 9th January 2012, stated Mr Taylor was lying. Therefore, I conclude that at the Westbury Town Council meeting held on the 9th January 2012, Councillor Hawker did not breach the Code of Conduct.

7.13.3 Paragraph 3(2) You must not (b) bully any person.

Standards for England guidance relating to paragraph 3(2)(b) of the Code of Conduct is included in appendix B3. The guidance includes – *‘Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, and may form 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...’*. The accusations and comments made by Councillor Hawker as set out in paragraphs 7.14 – 7.18.7 above, are offensive, insulting and humiliating to Mr Taylor, and they are an attempt to undermine Mr Taylor.

I contend that Councillor Hawker has breached paragraph 3(2)(b) of the Code of Conduct.

8 Findings

8.1 In the events identified in paragraphs 7.5 to 7.11.3 above, Councillor Hawker was either conducting the business of his authority or gave the impression he was acting as a representative of the authority and paragraph 2, of the Code of Conduct, Scope, applies.

8.2 The Standards for England guidance relating paragraph 3(1) You must treat others with respect, is clear ‘individuals should not be subject to unreasonable or excessive personal attacks’. Councillor Hawker actions and comments were both unreasonable and excessive and there has been a breach of paragraph 3(1) of the Code of Conduct.

8.3 The Standards for England guidance relating to paragraph 3(2) you must not (b) bully any person, says that bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Councillor Hawker has acted in a manner contrary to this and there has been a breach of paragraph 3(2)(b) of the Code of Conduct.

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Appendix A

Schedule of Finding of Fact

1	Mr Taylor is a former member of Westbury Town Council. He became a member of the Town Council in May 2007 and resigned on the 31 st March 2009.
2	Mr Taylor is a former Chairman of the Laverton Institute Trust Management Committee (LITMC). He was elected on the 23 rd May 2007 and resigned on the 31 st March 2009.
3	The Laverton is a Victorian building in Westbury. Part of the building is used by Westbury Town Council as offices and the building has recently been refurbished.
4	The Laverton Institute Trust is a charity registered with the Charities Commission. The registration shows Westbury Town Council to be the trustee.
5	The Laverton Institute Trust Management Committee is a working group of Westbury Town Council. It is not a committee of the Council.
6	Councillor Hawker was elected chairman of the LITMC on the 17 th October 2011.
7	Councillor Stephen Andrews was the previous chairman.
8	John Parker is the Laverton Project Manager, employed on a consultancy basis by Westbury Town Council.
9	Sioux How is employed by Westbury Town Council as Laverton Development and Marketing Manager. Sioux How is an officer of Westbury Town Council.
10	The Laverton launch event was held on the 21 st October 2011
11	The Laverton launch event held on the 21 st October 2011 was an official event of Westbury Town Council
12	Councillor Hawker attended the Laverton launch event in his capacity as a Westbury Town Councillor and Chairman of the Laverton Institute Trust Management Committee (LITMC).
13	Councillor Hawker addressed the Laverton launch event in his capacity as Chairman of the LITMC and a member of Westbury Town Councillor.
14	During his speech Councillor Hawker did not refer to Mr Taylor by name; however, Mr Taylor could be identified from Councillor Hawker's comments.
15	Councillor Hawker's speech was critical of Mr Taylor and his actions.
16	Councillor Hawker's speech caused some upset.
17	Councillor Hawker contributes to the online Westbury Town Forum using the pseudonym 'Baldy'.
18	Other Forum users know 'Baldy' is the pseudonym of Councillor Hawker.
19	Councillor Hawker's forum posts have the header 'I may disagree with your views but I am NOT attacking you!'
20	Councillor Hawker's posts have the footer 'I'm here in my private capacity as a local resident only (Unless otherwise stated)'.
21	On the 22nd October 2011 Councillor Hawker, using the pseudonym Baldy, added posts to an ongoing discussion topic 'Re the Laverton grand opening'.
22	In his posts on the Westbury Town Forum Councillor Hawker discussed and reported on official business of Westbury Town Council.

23	Councillor Hawker's posts made to the Westbury Town Forum gave the impression Councillor Hawker was acting in his role as councillor and was representing the authority.
24	A full meeting of Westbury Town Council was held on the 7 th November 2011.
25	Councillor Hawker attended the meeting in his capacity as a member of Westbury Town Council
26	During the public forum of the above meeting, Mr Taylor made a statement regarding Councillor Hawker's speech at the Laverton launch event.
27	At the same meeting Mr Clegg made a statement regarding Councillor Andrew's dismissal as Chair of the Laverton Institute Trust Management Committee (LITMC).
28	Councillor Hawker replied to the above statements.
29	A motion was raised at the 7 th November 2011 meeting that the LITMC be changed from a working group to a committee. The motion was defeated.
30	The White Horse Newspaper dated the 24 th November 2011 contained a letter from Mr Taylor.
31	The White Horse Newspaper dated the 24 th November 2011 contained an article relating to Councillor Hawker's speech at the Laverton launch and Mr Taylor's statement at the Westbury Town Council meeting on the 7 th November.
32	Westbury Town Councillors do not have official Town Council email accounts and use their personal email accounts.
33	On the 24 th November 2011 Councillor Hawker sent an email to Keith Harvey and Barbara Mantle, both employees of Westbury Town Council.
34	Councillor Hawker sent the email in his capacity as a Westbury Town Councillor.
35	Within the email Councillor Hawker refers to Mr Taylor as a bare-faced liar, and alleges Mr Taylor deceived the council.
36	On the 25 th November 2011 at 17.42pm Councillor Hawker sent an email to all members of the Laverton General Interest Group (GIG).
37	In the email dated the 25 th November 2011, Councillor Hawker twice stated he is a councillor.
38	Councillor Hawker's email refers extensively to the business of Westbury Town Council.
39	Councillor Hawker's email of the 25 th November 2011 gave the impression he was acting in his role of councillor and representing the authority.
40	On the 26 th November at 8.58am Councillor Hawker sent a further email to all members of the GIG.
41	The email sent on the 26 th November 2011 is an addendum to the email sent on the 25 th November 2011.
42	Councillor Hawker's email of the 26 th November 2011 refers extensively to the business of Westbury Town Council.
43	Councillor Hawker alleges 'the committee was being hoodwinked by a fraudster', when referring to Mr Taylor.
44	Councillor Hawker's email of the 26 th November 2011 gave the impression he was acting in his role of councillor and representing the authority.
45	The White Horse Newspaper dated the 6 th December 2011 contained two letters written by Councillor Hawker.

46	In the letters published in the White Horse News Councillor Hawker refers extensively to the workings of Westbury Town Council
47	The letter relating to Mr Taylor is signed 'Councillor Russell Hawker, Westbury Town Council'.
48	Councillor Hawker was acting in his official capacity when sending the letters published in the White Horse News.
49	Councillor Andrews did not request a proposal to change the LITMC from a working group to a committee be added to the agenda of meetings.
50	A full meeting of Westbury Town Council was held on the 9 th January 2012.
51	Councillor Hawker attended the meeting in his capacity as a member of Westbury Town Council.
52	Councillor Andrews addressed the meeting under the item 'members' matters arising from these minutes'.
53	Councillor Andrews referred to Mr Taylor's statement, and Councillor Hawker's response, at the 7 th November meeting.
54	The minutes of the meeting show that Councillor Hawker did not accept Councillor Andrews' comments.
55	There is no conclusive evidence that Councillor Hawker stated Mr Taylor was lying.
56	The minutes of the LITMC meeting held on the 1 st November 2006 show the preparation work for a heritage Lottery Fund bid was divided amongst the members of the working group.
57	The minutes of the LITMC meeting on the 1 st November 2006 show Mr Taylor wanted to stress the heritage aspect of the lottery fund bid.

Appendix B

Case reference WC 03/12 Councillor Hawker

Reference	Document	Pages
A1	Complaint form from Mr Taylor	32-36
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A4	Councillor Hawker's register of members interests	40
A5	Councillor Hawker's declaration of acceptance of office	41
A6	Email from Barbara Mantle 7 th July 2011 and the status of the Laverton Institute Trust and Management Committee.	42
A7	Agenda and notes from the LITMC meeting held on the 17 th October 2011	43 - 44
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D5	The Laverton launch event invitation	101
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Complaint Form – Members' Code of Conduct

Your details

1. Please provide us with your name and contact details

Title	Mr
First name	John
Last name	Taylor
Address	[REDACTED] [REDACTED] [REDACTED] [REDACTED] [REDACTED]
Daytime telephone	[REDACTED]
Evening telephone	[REDACTED]
Mobile	[REDACTED]
e-mail address	[REDACTED]

We will not disclose your contact details to anyone unless it is necessary to do so in order to deal with your complaint.

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

- The council member you have complained about
- The Monitoring Officer
- The members of the assessment sub-committee of the council's Standards Committee
- The corporate standards manager

2. Please tick the box that best describes you:

Member of the public	#
Elected or co-opted member of an authority	
An independent member of the Standards Committee	
Member of Parliament	
Monitoring Officer	
Other council/local authority employee	
Other (please specify)	

3. Please give us the name of the member(s) you believe may have breached the Code of Conduct and their council.

First name	Last name	Authority
Russell	Hawker	Wiltshire & Westbury Councils

4. Please explain how you think the member has broken the Code of Conduct. If you are complaining about more than one member you need to explain exactly how each one of them may have broken the Code.

It is important that you give us all the information you want the assessment sub-committee to take into account. They will use the information you give to decide whether or not to take any action about your complaint. For example, please make sure you tell us:

- Exactly what you are alleging the member said or did. For instance, instead of saying that the member insulted you, you should state what it was they said;
- You should give the dates of the alleged incident(s) wherever possible. Where you cannot do that, you must at least provide a general timeframe;
- You should let us know whether there were any witnesses to the alleged incident(s) and provide their names and contact details if possible;
- You should provide any relevant background information.

I am being bullied and treated with disrespect by Councillor Russell Hawker.

On 25th October 2011 a Reception was held at The Laverton to celebrate its refurbishment and re-opening. It was attended by a number of distinguished guests who had supported the successful undertaking and in several instances, had contributed funds which helped finance the work. I had been invited, together with my wife, as a former Town Councillor and previous Chair of the Laverton committee; Councillor Hawker had been elected Chair of the Laverton committee four days previously. At the Reception he made a speech in which, identifying me by implication, he accused me of ruining the project and delaying its progress for several years. The circumstances made it impossible for me to refute his remarks and defend myself.

On 7th November 2011 I made a statement in the Public Forum prior to Westbury Town Council's bi-monthly meeting. I denied Councillor Hawker's accusations, criticised his inappropriate behaviour on 25th October and asked him to apologise. I also provided the Council with a précis of my role in the affairs of The Laverton between late 2006 and March 2009.. He refused to apologise saying he stood by his remarks. The circumstances made it impossible for me to respond and defend myself.

On 25th November 2011, as Chair of The Laverton Trust, Councillor Hawker sent an email addressed to 42 individuals and representatives of organisations such as the BA13+ Partnership and The White Horse News. In that email he wrote "I intend to reply in full to every lie and misleading claim made by John Clegg and Ian Taylor".

On 9th January last, in a public meeting of Westbury Town Council, he again accused me of lying. The Mayor intervened, instructing him to sit down and stop speaking. Several members of the public and a representative of The White Horse News were present and witnessed this defamation. I was not there but had I been, I would not have been permitted to defend myself.

Councillor Hawker cannot prove his accusations. They are not true. He has slandered my character and demeaned my work on behalf of the Laverton both before and during my time as a Town Councillor. He makes his defamatory statements using his position as the longest serving and best known councillor in the town and now as Chair of The Laverton Trust.

I am in no position to defend myself on an equal footing with the Councillor. Due to ill health I resigned from the Council and the Conservative Party in March 2009. Between that time and last November I made no public statements about the Laverton or anything else.

Councillor Hawker has defamed me, bullied me and behaved disrespectfully towards me. I earnestly ask the Standards Committee to reprimand him, stop him from attacking me and make him leave me in peace.

Only complete this section if you are asking us to keep your identity confidential

5. In the interests of fairness and natural justice, we believe that members who are complained about have a right to know who made the complaint. We also believe they have a right to receive a summary of the complaint. We are unlikely to withhold your identity or the nature of your complaint unless you have good reason to believe that releasing that information would result in:

- You or your witnesses being unlawfully bullied or intimidated or;
- The destruction of information or evidence that would seriously hamper an investigation into the complaint.

We will not automatically agree to a request to keep your identity or the substance of your complaint confidential. Your request and your reasons for asking for confidentiality will be considered by the assessment sub-committee at the same time as they consider whether or not to proceed with your complaint. If they decide that your identity and information about your complaint must be released to the member you are complaining about, we will let you know. Normally we would then allow you to withdraw your complaint if you wish to do so.

However, under exceptional circumstances where a complaint is very serious, we can proceed with an investigation and disclose your name even if you have expressly asked us not to.

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

Additional help

Complaints should normally be submitted in writing. However, if you have any specific needs, for example if you have a disability, or if English is not your first language, we can provide you with help to make your complaint. If you would like help, please contact Nina Wilton, on 01225 713078.

DECISION NOTICE: REFER FOR INVESTIGATION

Reference WC – 03/12

Subject Member

Councillor Russell Hawker – Westbury Town Council

Complainant

Mr John Taylor

Assessment Sub-Committee Membership

Mr Stuart Middleton (Independent)
Miss Pam Turner (Parish Councillor)
Councillor Julian Johnson (Wiltshire Council)

Monitoring Officer

Ian Gibbons

Complaint

The complainant alleges that between 25 October 2011 and 9 January 2012 Councillor Hawker engaged in bullying and disrespectful behaviour towards him in relation to his work on behalf of the Laverton in Westbury.

Decision

In accordance with Section 57A(2)(a) of the Local Government Act 2000, as amended, the Assessment Sub-Committee of the Standards Committee decided to refer the complaint to the Monitoring Officer for investigation.

Reasons for Decision

The Chairman led the Sub-Committee through the standards assessment criteria which detailed the initial tests that should be satisfied before assessment of a complaint was commenced.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member, that the member was in office at the time of the alleged incident and that the Code was in force at the relevant time.

The Sub-Committee then considered whether the complaint, if proven, would amount to a breach of the Code, and in particular the following provisions:

- 3(1) – You must treat others with respect;
- 3(2)(b) – You must not bully any person.


In respect of paragraphs 3(1) and 3(2)(b) the Sub-Committee were satisfied that there was sufficient evidence to demonstrate that the complaint, if proven, was capable of giving rise to a breach of the Code. Sub-Committee felt that the circumstances as alleged warranted an investigation.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

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

Signed:



Date:

21st March 2012

Chairman of the Wiltshire Council Assessment Sub-Committee

From: Barbara Mantle [barbara.mantle@westburytowncouncil.co.uk]
Sent: 27 April 2012 17:43
To: Wiltshire, Roger
Subject: RE: Private and Confidential

Hello

Ian Taylor came on to Town Council in May 2007 and was elected Chair of the Laverton Institute Trust Management Committee on the 23rd May 2007. He resigned from Town Council on the 31st March 2009.

Russell Hawker came on to Town Council in May 2002, and was elected Chair of the LITMC on the 17th October 2011. He is also a member of the following:

- Highways, Planning & Development Committee
- Car Parks Working Group
- Tourism Working Group
- Town Centre Viability Working Group
- Health Working Group
- ICTV Working Group

Kind regards

Barbara
Westbury Town Council
01373 822232

From: Wiltshire, Roger [mailto:Roger.Wiltshire@wiltshire.gov.uk]
Sent: 25 April 2012 15:10
To: Barbara mantle
Subject: Private and Confidential

Dear Mrs Mantle,

Re Code of Conduct case reference WC 03/12, Councillor Hawker

After our interview on the 23rd April, I asked if it possible to have the date when Ian Taylor became Chair of the LITMC, the date when Ian Taylor became a Westbury Town Councillor, and the dates he resigned. Can I add a bit more to my request? Is it possible to have the date Councillor Hawker first became a councillor, and any positions he currently holds as Town Councillor (especially the date Councillor Hawker became Chair of the LITMC).

Sorry to add this on and my thanks for your help with this case.

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

Yours sincerely,
Roger Wiltshire
Ethical Governance Officer
Governance
Wiltshire Council, County Hall, Trowbridge,
Wiltshire, BA14 8JN, www.wiltshire.gov.uk
roger.wiltshire@wiltshire.gov.uk
01225 713462

REGISTER OF MEMBERS' INTERESTS

Local Government Act 2000 S.81(1)

A4

From: Cllr. Russell Hawker of [REDACTED]

To: The Monitoring Officer, Wiltshire Council

Cc: The Town Clerk, Westbury Town Council

Date: 7th June 2010

As a member of both
Westbury Town Council and **Wiltshire Council**,

I give notice of the following interests to be registered:

Sponsorship

None

Declarable Gifts

None

Contracts with Wiltshire Council or Westbury Town Council

None

Land in the area of either authority

My home: [REDACTED]

Employment or business

* Freelance "GP Chartered Surveyor" - Parasol Ltd and / or Hays Plc Group (*depending on which contract, if any*).

* Councillor, Wiltshire Council

Membership of other bodies

Westbury Heritage Society

Leigh Park Community Association (Westbury) (*as a resident of Leigh Park, Westbury*)

Westbury Youth Development Service CAYPIG (*an advisory body only*) (*as town council rep*)

Royal Institution of Chartered Surveyors

Wessex Group of Independents

Positions of general control or management in other bodies

Westbury Town Council

Wiltshire Council

Governing Body of Westbury C of E Junior School (*as Authority Governor for Wiltshire Council*)

Governing Body of Matravers School, Westbury (*as Authority Governor for Wiltshire Council*)

BA13+ Group (aka Westbury Community Area Partnership) (*as Wiltshire Council rep*)

Leigh Park Community Association (Westbury) (*as Wiltshire Council rep*)

Westbury Heritage Society (*as town council rep*)

Westbury CCTV Committee (*as town council rep*)

Westbury CCTV Committee (*as Wiltshire Council rep*)

Warminster Town Council CCTV Committee (*as town council rep*)

Warminster Town Council CCTV Committee (*as Wiltshire Council rep*)

West Wiltshire - Elblag Twinning Association (*Poland*) (*as town council rep*)



Russell Hawker

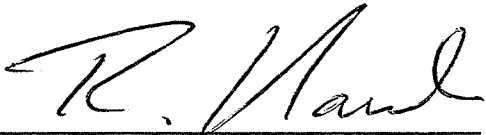
Westbury & Wiltshire Councillor (INDEPENDENT)

40

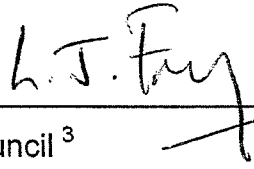
DECLARATION OF ACCEPTANCE OF OFFICE

I Russell Hawker¹ having been elected / ~~co-opted~~ to the office of Councillor² of **Westbury Town Council** declare that I take that office upon myself and will duly and faithfully fulfil the duties of it according to the best of my ability.

I undertake to observe the Local Authorities (Model Code of Conduct) Order 2007 , specifically paragraph 12(2) regarding the conduct which is expected of members of **Westbury Town Council**.

Signed: 
Date: 14/5/07

This declaration was made and signed before me,

Signed: 
Proper Officer of the Council³

Notes:

- (1) Insert the name of the person making the declaration.
- (2) Insert "councillor" or "co-opted member" as appropriate.
- (3) Where the declaration is made before another person authorised by section 83(3) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration.

From: Barbara Mantle [barbara.mantle@westburytowncouncil.co.uk]
Sent: 07 July 2011 11:41
To: Wiltshire, Roger
Cc: 'Keith Harvey'
Subject: RE: Private and Confidential

A6

Dear Roger

I can confirm that the meeting on the 4th May was the Annual Town Council meeting.

The Town Council adopted the Revised Model Code of Conduct 2007, including Paragraph 12(2) on the 14th May 2007.

I wasn't aware that Cllr Andrews is shown on our website as the chair of The Laverton Trust. This is misleading. Westbury Town Council as a corporate body is the sole trustee of The Laverton Institute Trust. The Laverton Institute Trust Management Committee (LITMC) manages the The Laverton on a day to day basis, and reports to full Town Council, as well as making recommendations on any projects, major expenditure etc. The Committee is misnamed, it is not a standing committee: it is only a working group of the Town Council. Cllr Andrews is chairman of the LITMC, and at the moment the other members are all town councillors, although we have had co-opted members in the past from user groups in the town. Town councillors are appointed by town council to the LITMC as and when necessary during the year, but membership of all working groups and committees is confirmed, or changed at the Annual Town Council meeting in May. The LITMC appoints the chair as and when necessary, but also confirms or re-appoints at the first meeting after the Annual Town Council meeting.

Hope this helps.

Kind regards

Barbara Mantle
 Westbury Town Council
 01373 822232

From: Wiltshire, Roger [mailto:Roger.Wiltshire@wiltshire.gov.uk]
Sent: 06 July 2011 12:58
To: barbara.mantle@westburytowncouncil.co.uk
Subject: Private and Confidential

Dear Barbara,

You have recently supplied some information to my colleague Anna Browne, in relation to a Code of Conduct complaint. I have been appointed as the Investigating Officer for the complaint and I would like to ask for the following information –

Can you confirm that the meeting on the 4th May was the Annual Town Council meeting and not the annual parish meeting; I have looked on the internet and it appears the parish meeting was on the 26th April, can this be confirmed?

Can you confirm which version of the Code of Conduct Westbury Town Council adopted – was it the full model code, which includes all of paragraph 12 'Effect of prejudicial interest on participation' ?

The charities commission website shows the Town Council as the trustee for the Laverton Institute, the Westbury Town council website shows Cllr Andrews as the Chair of the Laverton Trust. Can this be confirmed and can I ask how someone joins the committee/work group – is it just councillors? How does someone become the Chair of the Trust?

42

A7

WESTBURY TOWN COUNCIL

The Laverton Institute Trust Management Committee

Meeting to be held on Monday, 17th October 2011 at 5.30 pm at The Laverton

AGENDA

1. Election of a Chairman
2. Apologies.
3. To agree notes of the last meeting (12.09.11).
4. Matters arising.
5. Discussion of Strategic Development and Marketing Plan 2011-2018.
6. Discussion on Launch Events.
8. Discussion on timetable for the LITMC becoming a full standing committee for recommendation to Town Council.
7. Any other business.
8. Date and time of next meeting.

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WESTBURY TOWN COUNCIL

Notes of the Laverton Institute Trust Management Committee held on the
17th October 2011 at 5.30 pm at The Laverton

PRESENT: Cllrs S Andrews (Chair), W Braid, Mrs S Ezra, R Hawker, S Miles
and D Windess
Mr K Harvey

1. **Election of Chairman.** Cllr Hawker was elected as chairman. Cllr. Andrews and Braid resigned immediately following the vote.
2. **Apologies.** Cllr D O'Hara – Illness
3. **Minutes.** The notes of the previous meeting held on the 12th September 2011 were approved.
4. **Matters Arising:** None
5. **Strategic Development and Marketing Plan 2011 – 2018.** The report had been read by members and accepted.
6. **Launch event on 21st - 22nd October 2011.** The timetable and plan of events were all discussed and agreed.
7. **The timetable for the LITMC becoming a full standing committee for recommendation to Full Town Council.**

The outcome of a discussion was that it was agreed the LITMC working Group should become a standing committee.
Suggested 5 councillors plus 2 ex officio.
To be named Laverton Committee.
Invite 3 members from the Laverton GIG.
Suggested having a working group dealing with day to day issues, i.e. Staff and Offices,
8. **Town Clerk brought to the attention of the Working Group that the Kitchen would need painting prior to the Launch Event.** It was agreed to instruct Emery's to commence the works after negotiating the price.
9. **Date and time of next meeting:** Quarterly to be agreed and when special business arises.

6.30 pm

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A 8

WESTBURY TOWN COUNCIL

The Laverton Institute Trust Management Committee

Meeting to be held on Monday, 20th October 2011 at 4.30 pm at The Laverton

A G E N D A

1. Apologies.
2. Discussion on the LITMC becoming a full standing committee for recommendation to Town Council.
3. Any other business.
4. Date and time of next meeting.

45

WESTBURY TOWN COUNCIL

Notes of the Laverton Institute Trust Management Committee held on the
20th October 2011 at 4.30 pm at The Laverton

PRESENT: Cllrs R Hawker (Chair), Mrs S Ezra, D Windess, D O'Hara
Mr K Harvey

1. **Apologies.** None
2. **The LITMC becoming a full standing committee for recommendation to Full Town Council.** A discussion took place and the members of the Working Group agreed that the following Motion be put forward to Full Town Council at the meeting on 7th November 2011.

a) "The Laverton Institute Trust Management Working Group is now converted into a standing committee of the council called the "Laverton Committee" and is to hold meetings Quarterly or when there is sufficient or urgent business and is to comprise of five councillors plus the mayor and deputy mayor as ex officio members plus three non-voting seats for members of the public acting as representatives for users of the building and other parties interested in the success of The Laverton Institute trust.

Westbury Heritage Society will be invited to appoint one representative and the other two representatives will be appointed by the membership of the Laverton General Interest Group (LGIG)".

b) "To appoint members to the two vacant seats on the Laverton Committee".

It was also agreed that should the Motion be accepted an additional Working Group would not be required.

3. **Date and time of next meeting:** TBA following Town Council meeting on 7th November 2011.

5.15pm

Appeals Tribunal Decision

Case Ref: APE 0421

Appeals Tribunal Date: 29 April 2009

Relevant Standards Committee: Middlesbrough Council

Date of Standards Committee decision: 22 January 2009

Name of member concerned: Councillor McTigue
(Appellant)

Monitoring Officer: Mr Richard Long

Independent Investigator: Mrs Katharine Metcalfe

Appeals Tribunal Members

Chairwoman: Mrs Beverley Primhak

Member: Mr Richard Enderby

Member: Mr Chris Perrett

Official capacity

28. The Appellant argued that she was not acting in her official capacity as all her comments on the forum were made in her private time and all using the pseudonym of "Indie".
29. The Appeals Tribunal accepted that even if it became clear from the forum that an individual who was posting on the forum was a councillor, the Code of Conduct would not automatically be engaged. The question was whether in the postings on the forum the councillor was deemed to be, or gave the impression that he or she was, "acting in the role of councillor". This was fact-sensitive and would very much depend on the content of the postings.
30. It was noted that Councillor McTigue had used a pseudonym, and that she states in at least one of the postings that she is on the forum as a resident who just happens to be a councillor. However, taking the contents of the postings on the Evening Gazette forum as a whole the Appeals Tribunal concluded that the Appellant did give the impression that she was acting in the role of councillor and thus representing the council. Postings by "Indie" (Councillor McTigue) that resulted in this conclusion include:
- 30.1 25/6/08: *"I was sitting next to Cllr McPartland (who gave me a sweet!) and other Labour cllrs & I assure you, if my behaviour was even in the least not acceptable I would have been reported to the S Board before my feet touched the ground".*

- 30.2 25.6.08: *"cynic – you claimed that the council agreed with your complaint – who agreed – name them please so that I can verify it ..."*
- 30.3 26/6/08: *"BillygangI have suggested that since the council is targeted by the Government on recycling, that we pay people as an incentive – I don't make the decisions though – those above me do & they are appointed by the Labour Group. If you are not happy about your litter situation etc – complain to the right people why don't you – you cannot blame me. Which cllrs do you know who are childish – let's have some real evidence and examples here please – I for one agree but I would be interested in your experience of this. ..."*
- 30.4 26/6/08: *"I am a councillor as most people know I have no political banner ..."*
- 30.5 26/6/08: *"As you can appreciate I am limited as to how I can describe what happened – if you see what I mean."*
- 30.6 27/6/08: *"... do you know who your ward councillors are by any chance? Get to know them and then you can judge them."*
- 30.7 27/6/08: *"Mon – the residents in my ward are not just a number – I assure you of that. When one of them comes to me with a problem, the first thing I ask them is, how long it's been going on. If they reply – months or ages, I chide them for not contacting me sooner. ..."*
- 30.8 28/6/08: *"Every single person who uses this site could take their questions/complaints/questions and ask them in person at a full council meeting which is held every 6 weeks where they will be answered – providing the question is accepted by the Head of Legal Services. If they prefer to use this site instead – there is a chance I can answer them or perhaps the other cllrs on here who are anon.What's the difference between this and a public meeting where anything is discussed and aired, apart from the fact that you would see cllrs".*
- 30.9 28/6/08: *"..before I put anything up here for discussion I have the sense to check first with the legal dept in the Town Hall".*
- 30.1029/6/08: *"...my phone is in perfect working order so anyone here can contact me day or night and I have no objections whatsoever to people calling at my home which they do on a daily basis – it helps to live on the ward in some respects.We do our cllr work when it needs doing – there are no set hours – I thought everyone knew that."*
- 30.1129/6/08: *"..during this hearing/tribunal/appeal whatever you wish to call it I asked the cllr sitting next to me Cllr McPartland what he thought the costs would be and he rolled his eyes heavenwards. Would you like me to find out the approx cost for you & how many man hours have been spent on this?"*
- 30.1229/6/08: *" ...as a councillor I cannot deal with them in the same manner. ..."*
- 31 This conclusion is further supported by the impression that was clearly received by other posts on the blog.

**IN THE FIRST-TIER TRIBUNAL
GENERAL REGULATORY CHAMBER
(Local Government Standards in England)**

CASE NO: LGS/2011/0537

ON APPLICATION FROM:

Ethical Standards Officer (ESO) of Standards for England

Application reference No: SBE-10830, 10831, 10862, 10863, 10864, 10897, 10898, 10899 and 10900 and SFE-000009, 000014, 000023, 000026 and 000027
Dated: 21 December 2010

APPLICANT: Jennifer Rogers, ESO, Standards for England

RESPONDENT: Councillor Martin Brookes of Oakham Town Council

DATE OF HEARING: 15 August & 30 September 2011

Venue: Birmingham Tribunal Centre and Leicester Law Courts

Date of Decision: 16 November 2011

BEFORE:

**Judge: David Laverick
Member: David Ritchie**

- 29. On 13 May, the day after the Town Council’s Annual Meeting, the Respondent had written his own detailed account of the meeting. The Tribunal sees that as being action undertaken in his official capacity – he was using his blog to communicate, as a councillor, with the electorate in the Parish. The blog of 14 May can be seen as an extension of that process and does of course begin with the publication of a letter he had received in his official capacity. The Tribunal takes the view that these actions of the Respondent do lie within the scope of the Code of Conduct.
- 33. Allegation 8 refers to criticisms made by the Respondent of the Town Clerk whose competence the Respondent had called into question and of whom the Respondent had made thinly veiled allegations of financial impropriety.
- 34. It was not for the Tribunal to determine the validity or otherwise of the Respondent’s criticisms but the Tribunal observe that the facts which seem to lie behind allegations that the Council had incurred unnecessary expenditure and had received a lesser number of tenders than expected did not inexorably lead to the conclusion, as asserted by the Respondent, that the Town Clerk was thereby at fault.
- 35.

36. The ESO had noted that the issue of whether public money was being properly spent was a matter of genuine public interest and submits that the Respondent's comments on the matter "attracted the higher level of protection afforded by the Human Rights legislation." She qualified that by excluding from such protection occasions where the Respondent expressed his criticism in a manner which was rude and offensive. Miss Kentridge, in her submissions, sought to draw a distinction between comments made in what she described as an appropriate forum, and those made in an inappropriate forum such as a public blog.
37. The Tribunal does not share Miss Kentridge's view – the Right to Freedom of Expression is, in the Tribunal's view applicable in either forum. But the Tribunal is mindful that Article 10 of the Code of Conduct does allow for restrictions on the right to freedom of expression which are imposed to protect the rights and reputations of others and draws a distinction between political comments on matters of public interest (which should not be subject to interference of expression from the Code of Conduct) and personal attacks upon an officer of the Council.

Code of Conduct Paragraph 3(1) You must treat others with respect.

In politics, rival groupings are common, either in formal political parties or more informal alliances. It is expected that each will campaign for their ideas, and they may also seek to discredit the policies and actions of their opponents. Criticism of ideas and opinion is part of democratic debate, and does not in itself amount to bullying or failing to treat someone with respect.

Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Chairs of meetings are expected to apply the rules of debate and procedure rules or standing orders to prevent abusive or disorderly conduct.

Whilst it is acknowledged that some members of the public can make unreasonable demands on members, members should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public's expectations and confidence in its elected representatives.'

3.7 In the First Tier Tribunal case LGS/2010/0528, Ronald Law, Wales Parish Council, the Tribunal stated -

Failure to treat with respect

3.4.3 Failure to treat with respect will occur when unfair, unreasonable or demeaning behaviour is directed by one person against another. The circumstances in which the behaviour occurred are relevant in assessing whether the behaviour is disrespectful. The circumstances include the place where the behaviour occurred, who observed the behaviour, the behaviour itself and its proportionality to the circumstances, the character and relationship of the people involved and the behaviour of anyone who prompted the alleged disrespect.

Code of Conduct paragraph 3(2) You must (b) bully any person

You must not bully any person including other councillors, council officers or members of the public. Bullying may be characterised 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 the legitimate challenges which a member can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy, or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views.

It is important that you raise issues about poor performance in the correct way and

proper forum. However, if your criticism is a personal attack or of an offensive nature, you are likely to cross the line of what is acceptable behaviour.

Standards for England online case review 2010, includes the following question and answer relating to paragraph 3(2)(b) of the Code of Conduct –

Q24: What constitutes evidence of bullying?

Although many minor acts can cumulatively amount to bullying, the subjective general view of the victim or witness needs to be supported by objective evidence of action that can amount to bullying. Anyone alleging a pattern of bullying conduct should provide some examples of the words or actions used.

In contrast, general statements such as “the member has repeatedly intimidated and denigrated me” are not adequate. The victim or witness should describe the specific conduct they are concerned about, providing dates, times, locations, and descriptions of the demeanour of the person concerned.

This is not intended as an exhaustive list but as an indication of the kind of evidence needed. A number of cases considered by the tribunal have concerned the bullying of officers and members. This bullying conduct has included:

- Abusive or threatening verbal contact.*
- Circulating inappropriate emails critical of officers and fellow members.*
- Making allegations about officers in newspapers, letters, emails or in person, both in the company of the officers’ colleagues and either in public or circulated to the public*

European Convention on Human Rights

ARTICLE 10

Freedom of expression

- 1. Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers. This Article shall not prevent States from requiring the licensing of broadcasting, television or cinema enterprises.*
- 2. The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.*

Appeals Tribunal Decision

Case Ref: APE 0441

Date of Appeal Tribunal Hearing: 10 September 2009

Relevant Standards Committee: Pendle Borough Council

Date of Standards Committee Decision: 19 May 2009

Name of member concerned: Councillor David Whipp of Barnoldswick Town Council

Monitoring Officer: Philip Mousdale

Appeals Tribunal Members:

Chairman:	Patrick Mulvenna
Member	Darryl Stephenson
Member	David Ritchie

1. The Appeals Tribunal has considered an appeal from the Appellant about the above decision.
2. The Appeals Tribunal has considered written submissions from the Appellant and from the Standards Committee.
3. The Appellant has appealed against the Standards Committee's finding that the Appellant had failed to follow paragraph 3(1) of the Council's Code of Conduct by using the words *'It is you who owe the apology as you are the liars. The CPS got it wrong. You are the guilty ones.'* in responding to a question from a member of the public at a meeting of Barnoldswick Town Council (the Council) held on 10 September 2008.
4. Paragraph 3 (1) of the Code provides:

"You must treat others with respect".
5. The Appellant has also appealed against the action which the Standards Committee decided to take in the light of the failure to follow the provisions of the Code of Conduct. That action required him to submit a letter of apology to the Council.
6. The Appellant has appealed on the grounds that (a) he did not show disrespect by the use of the words he used at the Council meeting; and (b) there were irregularities in the procedures adopted by the Standards Committee. The Standards Committee has responded in detail to the grounds of appeal.
7. In relation to the Appellant's ground of appeal that he did not show disrespect, the Appeals Tribunal consider that the approach adopted both by the Investigating Officer and by the Standards Committee was flawed. They have considered simply whether or

not the word 'liar' 'went beyond political expression, was rude and offensive and amounted to an expression of anger and personal abuse.' They do not appear to have considered whether or not the Appellant was justified in using the word on the basis that it might be true. In fact, they specifically determined that such possibility did not concern them.

8. There are aspects of the evidence which suggest that the Appellant might have been justified. The two councillors (Jennifer Purcell and Glenn Robert Whittaker) who have made the complaint against the Appellant and the member of the public whom they alleged was treated with disrespect (Ms Janet Henderson) were the co-producers and/or authors of the leaflet which gave rise to the Appellant's complaint to the Police. It is evident from the agreed facts that an apology was first sought from the Appellant at the meeting on 10 September 2008 by Councillor Purcell as Councillor Whittaker's election agent. On being prevented from doing so because the business being transacted related to questions from the public, she passed the question to Ms Henderson. Ms Henderson then asked it on Councillor Purcell's behalf effectively, she acted as Councillor Purcell's agent. Having regard to the roles played by all three, it is understandable that the Appellant should address his remark to them collectively.
9. The leaflet contained inaccurate information in respect of a person who appears to have been identifiable from the information given in the leaflet (Councillor Shelley Franklin although that is not entirely clear from the evidence before the Appeals Tribunal). The Police took the complaint seriously enough to interview persons under caution and to refer the matter to the Crown Prosecution Service, but the Crown Prosecution Service decided not to proceed on the basis (according to DS 1412 Groombridge) that there was no personal slight in the report of an inflated and exaggerated allowance. It is arguable that the Crown Prosecution Service was wrong: taken as a whole, the leaflet does contain a personal slur by linking the receipt of allowance with an untruthful allegation of failure to attend meetings. It can reasonably be inferred by recipients of the leaflet that the allowances were claimed fraudulently. Ironically, it is the words in the leaflet ascribed to the member of the public, Janet Henderson, who later posed the question to the Appellant which prompted his reply which gave rise to the complaint, which might be considered to be the most injurious. Her's was expressed to be 'the last word' in the leaflet: she referred to 'a Liberal Democrat who takes the money & runs.' It could hardly be more pejorative. The leaflet as a whole could reasonably be construed as containing a 'false statement of fact in relation to [a] candidate's personal character or conduct' which is the illegal practice to which Section 106 of the Representation of the People Act 1983 relates.
10. The information contained in the leaflet was clearly intended to affect the return of a candidate at an election and was included in the leaflet at a time when the public generally were becoming more aware of malpractice in the claiming of expenses by those in public office and, with this in mind, must have been calculated to have the most extreme impact on the candidate to whom the information related.
11. The untruthful information contained in the leaflet, the amount of the allowances claimed and the number of meetings attended, is a matter of public record and it is difficult to see how the wrong information could have been published if those responsible for the publication had exercised the proper duty of care required in such a case, particularly in view of the potential illegal practice to which failure to exercise that duty of care gives rise.
12. The position was aggravated by the fact that those responsible for the untruthful information acknowledged that the information was false and undertook to take remedial action, but do not appear to have done so. There is no evidence that those who received (and, presumably, accepted the veracity of) the false information were given corrected information or explanations or apologies as to their being misled.

13. In the light of all these matters the proper course of action for the Appellant was to report the matter to the Police for investigation. It is arguable that he had a duty to do so. There was no justifiable reason to call for an apology for his action. It is little wonder that the Appellant reacted with some apparent loss of control when asked to apologise: the actions of the three persons responsible for the publication of the leaflet had inflamed the atmosphere. It is evident that they had no insight into the enormity of the implications arising from their action in publishing untruths in electoral material, and appear still to have no insight.
14. These were all matters which should have been taken into account by the Standards Committee in assessing whether or not the use of the words 'liars' was disrespectful. This would be so whether or not the comments in the leaflet reached the threshold for a prosecution: it was not open to the Standards Committee to ignore them given their clear relevance to the Appellant's words at the meeting on 10 September 2008. The Committee should have assessed whether or not the untruths could properly be described as lies by exploring whether or not they were deliberate or negligent falsehoods. If they were, the description 'liars' would have been apt and justifiable, albeit unpleasant.
15. There is insufficient evidence for the Appeals Tribunal to determine whether or not the Appellant's words were justifiable. There was insufficient evidence before the Standards Committee to make such a determination. The question which needed to be explored was whether the persons responsible for the publication of the leaflet deliberately and knowingly included false information in the leaflet and manipulated it for electoral gain, or simply made a genuine error which can reasonably be explained. If the answer to the first part of this question is in the affirmative, no reasonable person could consider that there had been disrespect. In the absence of the relevant evidence to answer that question, the decision of the Standards Committee cannot be sustained. The appeal must succeed.
16. The Standards Committee have referred to the Case Tribunal's decision in *Mason (Needham Market Town Council – APE0427)*. The Appeals Tribunal is not bound by that decision, but, in any event, the facts can be distinguished. In *Mason*, the councillor made a pre-meditated attack on the mayor-elect and an officer of the Council. He called them 'proven liars' although there has been no finding by any Court, Tribunal or other competent body to that effect. The Appellant in the present case did not initiate an attack but responded to a question. He did not imply that the term 'liar' was other than his own belief. The Case Tribunal in *Mason*, acknowledged the relevance of truth in addressing the issue of breaching the Code of Practice. It said (at paragraph 5.3):

'While the truth of comments will often have a direct bearing on whether comments amount to a failure to show respect, in this case the Tribunal was satisfied that the comments of the Respondent were, in the particular circumstances, a breach of the Code whether or not they were true.'

That case turned on its own particular facts, as, indeed must the present case.

17. The Appeals Tribunal considers, however, that the use of the word 'liars' is inappropriate in the proceedings of a public body even where it does not amount to disrespect. The term is a strong one, which may generally be expected to generate more heat than light in debate. Its use might breach the provisions of the Code of Conduct which require a councillor not to do anything which might bring his office or authority into disrepute. This does not appear to have been considered by the Standards Committee and there is an absence of evidence and submissions on which the Appeals Tribunal can make a determination.

18. In reaching this view, the Appeals Tribunal has had regard to the fact that the person presiding at the meeting on 10 September 2008 does not appear to have called upon the Appellant to temper his language, to withdraw the remark or to apologise. The only record of anything that ensued is described in Mr Mousdale's report thus: 'There followed what the Clerk describes as a loud and angry exchange between a number of town councillors. The Chairman then moved the meeting onto other business.'
19. Moreover, there is insufficient evidence to make an assessment of the engagement of Article 10 of the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms which provides:
 - (1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and receive and impart information and ideas without interference by public authority and regardless of frontiers...
 - (2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interest of ... the protection of the reputation or rights of others...'
20. Collins J said in **Ken Livingstone v The Adjudication Panel for England [2006] EWHC 2533 (Admin)**, in relation to Article 10, '*the burden is on the [the party interfering with the right] to justify the interference with freedom of speech. However offensive and undeserving of protection [a person's] outburst may have appeared to some, it is important that any individual knows that he can say what he likes, provided it is not unlawful, unless there are clear and satisfactory reasons within the terms of Article 10(2) to render him liable to sanctions.*'
21. On the evidence available, it is simply not possible to assess the position and, in any event, if justification could be shown, it would be disproportionate to interfere with the right.
22. Whilst allowing the appeal, the Appeals Tribunal notes that Mr Mousdale, in his report following his investigation, made reference to the word 'liars' being deemed unparliamentary language in the House of Commons. Local authorities are not bound by the rules of debate adopted by the House of Commons, but the Appeals Tribunal is aware that some local authorities adopt similar rules by custom and practice, if not formally. There is no evidence that there is such a custom and practice in Barnoldswick Town Council, but, whether or not there is, the Appellant might wish to consider apologising to the Council for breaching the normal rules of debate by the use of inappropriate language.
23. Having found that there was no sustainable evidence upon which the Standards Committee could properly conclude that there was a breach of paragraph 3(1) of the Code of Conduct, there is no need to reach formal conclusions in respect of the alleged irregularities of procedure. The Appeals Tribunal decided, however, to comment on the allegations so as to address all of the points raised in the appeal.
24. The starting point in any proceedings which have a judicial or quasi-judicial element is fairness which is a fundamental feature of English law. The guiding principle was expressed by Lord Hewart CJ in **R -v- Sussex Justices, ex parte McCarthy [1924] 1KB 256**, in the following terms,

'...it is not merely of some importance but is of fundamental importance that justice should not only be done, but should manifestly and undoubtedly be seen to be done.'

25. In addition, regard must be had to Article 6 the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms as given effect in English law by the Human Rights Act 1998 which gives a right to a fair trial.
26. The Appeals Tribunal does not consider that any useful purpose would be served by reviewing in detail the merits of each allegation but has simply commented on what might be considered to be good practice in respect of the matters raised. The following are the main issues:
 - 26.1. The presence on the Standards Committee of Councillors Simpson and Starkie who the Appellant claimed were biased. It is evident that the alleged bias was considered to some degree, but it appears that the Appellant was prevented at the hearing from expressing the reasons for alleging bias. The Appeals Tribunal considers a Standards Committee has a duty to consider any allegation of bias and should hear those allegations. The duty is a continuing one and is relevant in relation to the bias shown at a hearing. It is good practice for a Standards Committee to ensure that its proceedings are free from actual bias or perceived bias. In this respect, a Committee should take a proactive role rather than relying on individuals to declare interests.
 - 26.2. The Chairman of the Standards Committee was alleged to have treated the Appellant and his representative unfairly and to have constantly interrupted. It is the Chairman's duty to exercise control and ensure that the proceedings are run smoothly and efficiently. It requires a fine balance and support from competent advisers. It appears that this was present at the hearing.
 - 26.3. The Standards Committee are alleged not to have considered the relevance of the evidence to be given by potential witnesses. The Appeals Tribunal considers that a Standards Committee has a duty to consider such relevance and to give reasons for not calling witnesses. The same considerations apply to an Investigating Officer's refusal to interview potential witnesses.
 - 26.4. The Appellant has suggested that the investigating officer should have been in a position to give evidence. The role of the Investigating Officer is a difficult task and he needs to be in a position in which he can act impartially at all times. It is evident that Mr Mousdale carried out his investigation in the present case with the highest degree of integrity and diligence and, as Monitoring Officer, he was the obvious choice for the role. The Appeals Tribunal would not seek to impugn the investigation in the present case, but offers the following comment to address the issue raised by the Appellant. If a person does have knowledge which would assist by way of evidence or has played any material role in the circumstances given rise to the complaint, he should not be appointed as Investigating Officer. It would be good practice to have in place a reciprocal arrangement with neighbouring authorities to provide Investigating Officers when there is clear difficulty in using the authority's own officers.
 - 26.5. The circulation of papers prior to the hearing is a fundamental requirement, as is ensuring that all persons have access to the same documentation. It is not unreasonable to assume that a party will have copies of documents he has provided. However as a matter of good practice, paginated bundles should be prepared for all parties and members of the Standards Committee.

- 26.6. It is desirable that any investigations and consequential proceedings should be undertaken with the minimum of delay, particularly if any delay prejudices a party by the timing of a decision. It is not clear from the evidence whether or not there was any inordinate or unreasonable delay in this case.
27. The Appeals Tribunal has allowed the appeal. The decision was unanimous.
28. The decision of the Standards Committee ceases immediately to have effect.
29. A copy of this determination is being given to the Appellant, the Standards Board, the Standards Committee and any person who made the allegation that gave rise to the investigation.
30. This determination will be published in a newspaper circulating in the area of the local authority and will also be published on the Adjudication Panel's website at www.adjudicationpanel.tribunals.gov.uk.

Patrick Mulvenna

Chairman of the Appeals Tribunal

14 September 2009

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Final Decision

CASE REF: APE 0427

HEARING DATE: 21 July 2009

RE: Reference in relation to a possible failure to follow the Code of Conduct

RESPONDENT: Councillor Ian Mason

RELEVANT AUTHORITY CONCERNED: Needham Market Town Council

ESO: (*Ethical Standards Officer*) Jennifer Rogers

ESO's REPRESENTATIVES: Gylan Murphy

Case Tribunal Members:

Chairman Mr Nicholas Holden

Member: Mr Peter Dawson

Member: Mr Narendra Makanji

1. Preliminary Documents

- 1.1. In a letter dated 8 April 2009 the Adjudication Panel for England received a reference from an Ethical Standards Officer ('ESO') in relation to an allegation that the Respondent had failed to comply with Needham Market Town Council's Code of Conduct by calling Councillor Josephine Lea and the Town Council's deputy clerk, Kelaine Spurdens, "proven liars" at a council meeting on 7 May 2008. The Respondent had been given the opportunity to withdraw his remarks but refused.

2. The Respondent's official details

- 2.1. The Respondent is an independent member of the council. He was first elected to office on 7 May 1987. He is currently a member of the council's 'Recreation and Sports' and Highways Committees.
- 2.2. On 20 May 2007 the Respondent gave an undertaking to observe the Code although a form relating to earlier legislation was used.
- 2.3. The council has adopted the Code of Conduct and paragraph 3 of which provides that a member must treat others with respect.
- 2.4. In July 2007 the Respondent received training on the Code as part of a direction issued in respect of the council by an ESO, Mr Kingston.

3. The Allegation

- 3.1. On 10 November 2006 the District Council's Standards Committee decided that the Respondent had failed to treat Councillor Josephine Lea with respect and as a result had brought his office and authority into disrepute. The Standards Committee suspended the Respondent from office for a period of three months ("the 2006 Complaint").
- 3.2. During the investigation and hearing of the 2006 complaint the Respondent alleged that Josephine Lea, the then clerk to the council and Kelaine Spurdens, the then deputy clerk to the council, had lied about whether a telephone call had taken place on 22 December 2005 between the Respondent and Josephine Lea. Both the investigator and the District Council's Standards Committee decided that it was unnecessary to come to a conclusion on the matter because it was not a material fact.
- 3.3. Between November 2006 and May 2008, the Respondent tried to get the council to recognise that Josephine Lea and Kelaine Spurdens had lied about the telephone call. The council refused to look into the matter further.
- 3.4. In April 2007 Josephine Lea retired as the clerk to the council and in May 2007 she was elected as a member of the council.
- 3.5. At a council meeting on 7 May 2008 Josephine Lea was elected as Town Mayor and chair of the council. During the election process the Respondent said that both Councillor Lea and Kelaine Spurdens, the deputy clerk, were proven blatant liars. The Respondent was given the opportunity to withdraw his comments at the end of the meeting but he refused.

4. The Respondent's Case

- 4.1. The Respondent did not make any comments during the Adjudication Panel's pre-hearing procedure. However, he did attend the hearing and he made the following points:
- 4.2. It is relevant to decide who is telling the truth. If on balance the former clerk and deputy are lying the Respondent is entitled to say so and it is not for him to explain why they lied.
- 4.3. The former clerk went straight onto the council and a year later was elected Mayor – it was a clique, it was the 'A team'.
- 4.4. The Respondent points out the differences between the evidence of the events of 22 December 2005 as dealt with in the interviews given during the 2006 complaint and during the current investigation.
- 4.5. The evidence relating to whether the then clerk telephoned the Respondent on 22 December is as follows:
 - 4.5.1. there is no record on the Town Council's telephone account of a call being made to the Respondent or of calls being made to Councillors Annis & Oakes as claimed by Josephine Lea and Kelaine Spurdens.
 - 4.5.2. there is no record on the Respondent's garage telephone account of a call to the Town Council's number.
 - 4.5.3. a copy MoT certificate issued on 22 December supports, to an extent, the Respondent's evidence that he attended the Town

Council offices on the morning of 22 December and while there received a telephone call about carrying out an MoT.

- 4.6. In the Respondent's view it follows from the evidence he had produced that the ESO's assertion that Councillor Mason's "claim that their lying was both proven and blatant has no basis in fact and is in itself misleading" fails to take account of the factual evidence.

5. Tribunal's findings and reasoning

- 5.1. The conduct which was the subject of the hearing took place while the Respondent was participating in a council meeting. Accordingly the Tribunal found that he was acting in his official capacity.
- 5.2. The Respondent made clear to the Tribunal that he wished it to make a finding as to which version of the events of 22 December 2005 was correct as he considered that such a finding would justify his comments at the council meeting in May 2008. The Tribunal understood the Respondent's position and saw the force of his argument. However, the Tribunal found that it was unnecessary to make such a finding in order to fairly determine the allegation against the Respondent.
- 5.3. The Tribunal arrived at this view because it was not the truth of the comments of the Respondent that was at issue but whether he had failed to treat others with respect. While the truth of comments will often have a direct bearing on whether comments amount to a failure to show respect, in this case the Tribunal was satisfied that the comments of the Respondent were, in the particular circumstances, a breach of the Code whether or not they were true.
- 5.4. The dispute over the telephone call was of long standing and the Respondent had tried over a considerable period to get the council to recognise that his version of events was correct. While the Respondent clearly understood that whether the telephone call took place was of no particular significance he adopted the view that if officers or members of the council lied that was a matter of public concern and ought to be investigated. The Tribunal agrees in principle with the Respondent's view and can understand the frustration he experienced by the council's refusal to investigate the matter and come to a view.
- 5.5. However, the Tribunal found that the manner in which the Respondent chose to raise the matter at the council meeting in May 2008 was not appropriate. A number of factors lead the Tribunal to its finding. The Respondent's views were of long standing and were well known and there was no new information that required the Respondent to raise the issue at the meeting in May 2008.
- 5.6. It is self-evident that the person who holds the office of mayor and chairman of a council should be a person of good reputation. Thus it could be argued that it was appropriate to raise the question of a person's honesty if they were proposed for election to such office. However, the Tribunal found this was a case where the Respondent's views were well known to the other members of the council and the Respondent had put his views into the public arena by raising them at the Standards Committee hearing which dealt with the 2006 complaint. In these circumstances the Tribunal found that the Respondent's true purpose in raising these matters was to tarnish the election of Josephine Lea and

reignite the unsettled dispute over the 22 December 2005 telephone conversation.

- 5.7. The Tribunal found that its finding was supported by the fact that the Respondent chose to use inflammatory language rather than to put the matter before the council in a neutral way with the object of ensuring that all members were reminded of his views. The Respondent's language was inflammatory because the Respondent knew that:
- 5.7.1. election of the Mayor is a formal occasion and an important event for the councillor elected;
 - 5.7.2. his view that Josephine Lea had lied was strongly disputed;
 - 5.7.3. no judicial or other body had accepted that Josephine Lea had lied and to that extent it was misleading to describe her as a proven liar;
 - 5.7.4. the other councillors were well aware of his views.
- 5.8. The Tribunal found the Respondent to be intelligent, to have a good understanding of local government and that his long service would have inevitably made him aware of what language was acceptable in council meetings. In such circumstances the Tribunal found that the Respondent was capable of expressing his views in neutral language which acknowledged that the matter was disputed and referred to the facts which supported his view. Had the Respondent adopted such an approach the Tribunal thought it unlikely that he would have breached the Code.
- 5.9. Looking at the issue in the round and taking account of its findings the Tribunal was satisfied that the Respondent had failed to treat Josephine Lea with respect because he knew that his views were disputed, that there had been no independent finding that his version of events was correct and his views were well known to the other councillors. In addition the Tribunal found that the form of words used was intended to be inflammatory rather than to bring the issue to the council's attention. Thus the Tribunal found that the Respondent had breached paragraph 3 of the council's Code by referring to her as a proven blatant liar at the council meeting in May 2008
- 5.10. The Tribunal found that the position of Kelaine Spurdens was different to that of Josephine Lea. By the meeting of May 2008 Josephine Lea was an elected member of the council and could expect to be questioned by other members and was in a position to reply openly in meetings and she did do so at the meeting in May 2008. However Kelaine Spurdens was an officer of the council and did not have the same freedom to reply in the meeting. Further she was an employee of the council and entitled to be treated as such. While councillors must be able, in appropriate circumstances, to challenge the conduct of officers it must be done within the framework of a normal employee and employer relationship. Thus it will only be in the most exceptional case that a member will be entitled to challenge an employee's honesty in an open meeting of the council. As the Tribunal has already found the Respondent's view were of long standing and well known, and in addition there was nothing in the business of the meeting which made it necessary to refer to Kelaine Spurdens. Thus the Tribunal concluded that the Respondent had failed to treat Kelaine Spurdens with respect and had breached paragraph 3 of the council's Code by referring to her as a liar at the council meeting in May 2008.

Freedom of Expression

- 5.11. The ESO considered that Article 10 (freedom of expression) of the European Convention on Human Rights was engaged but concluded that the words used by the Respondent were not political expressions but rather expressions of personal anger and personal abuse. As such the Respondent's conduct would not attract a high degree of protection under the Convention. Thus while a finding of breach under the Code in respect of the Respondent's words could constitute an interference with freedom of expression it was one which was lawful under Article 10(2).
- 5.12. The Tribunal found that the Respondent had accepted the Code and had made no challenge to the scheme. Thus the Tribunal found that, subject to consideration of the words used by the Respondent to determine the degree of protection he was entitled to, in principle the three conditions of Article 10(2) for a lawful interference with free speech in a democratic society were satisfied.
- 5.13. The Tribunal then considered the Respondent's conduct to determine what level of protection the Respondent was entitled to and then whether the interference was lawful.
- 5.14. The Tribunal accepted the ESO's submission as to the law as correct. However, it did not take as narrow a view as the ESO of the relevant factors. While it was true that the Respondent's comments were not political expressions they did relate to the Respondent's reputation and to the suitability of Josephine Lea to hold the office of Mayor and Chairman of the council which was a matter of public interest. In addition the suitability of a candidate to hold public office must be a legitimate subject for debate at the meeting which elects the person to that office. For these reasons the Tribunal concluded that while the Respondent was not entitled to the highest level of protection under the Convention his conduct was to be evaluated against the background of his reputation being in issue and the suitability of a person for public office being in issue, and for this reason the Respondent was entitled to a substantial degree of protection.
- 5.15. The Tribunal has found that the language used by the Respondent was inflammatory and that the Respondent could and was able to express himself in language which would have put the issues before the council without using such language. In these circumstances the Tribunal found that the Respondent's choice of language was intended to inflame the situation, reignite the known dispute about the telephone conversation and tarnish the election of mayor rather than to genuinely expose Josephine Lea's conduct to scrutiny. In these circumstances the Tribunal found that a finding the Respondent had breached the Code of Conduct, while an interference with freedom of expression, would be one which was lawful under Article 10(2) of the European Convention on Human Rights.

6. Sanction

- 6.1. The Tribunal explored in some depth with the Respondent whether in the future he was likely to be able to put the dispute about the telephone conversation of 22 December behind him and begin to work as part of the council albeit being more like a member of the opposition. There were

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indications from the Respondent that depending on the outcome of the hearing some improvements in relationships might be possible.

- 6.2. The essence of the submission on behalf of the ESO was that regrettably:
 - 6.2.1. she had little confidence that working relationships would improve as the Respondent had demonstrated that he was determined to 'win' the dispute and the language used had caused real upset and anxiety to the other parties because of its personal nature;
 - 6.2.2. the Respondent's 3 month suspension in November 2006, while not about the same matter, together with the additional training provided to the whole council in July 2007, appeared not to have any beneficial affect on the Respondent;
 - 6.2.3. the Respondent saw things in black and white terms and had no understanding of the impact of his actions on others, and thus suspension was likely to provide little more than a breathing space for the council;
 - 6.2.4. the Respondent's conduct at the meeting in May 2008 appeared to be pre-planned with the object of causing upset to the election of the Mayor;
 - 6.2.5. the attack in a public meeting on an Kelaine Spurdens, an employee of the council, was unacceptable as were his other comments about her intelligence which, while not the subject of this hearing, indicated his attitude to Kelaine Spurdens and the personal nature of the dispute;
 - 6.2.6. the strength of feeling by the other councillors was clear from the statement about the Respondent's conduct signed by six councillors;
 - 6.2.7. the Respondent did not take responsibility for his actions but blamed others for the position in which he found himself.
- 6.3. As the Tribunal left the hearing room to consider its decision on sanction the Respondent told the Tribunal that he had arranged for his resignation to be sent by email to the Town Council at 10am that morning. The Tribunal resumed and heard this information formally from the Respondent and in due course a copy of his resignation was produced and signed by the Respondent. The Respondent stated that he was involved in charity work which was at present taking much of his free time and he had not been able to attend council meetings as often as he would have liked and in those circumstances he had decided to resign. The Respondent stated that he would not stand for election to the council until 2011 at the earliest.
- 6.4. The Respondent's resignation left the Tribunal with power only to take no further action, to censure the Respondent or to disqualify him from office.
- 6.5. The ESO noted that while the Respondent had resigned there was nothing to prevent him standing for election if a vacancy occurred on the council. The Tribunal was advised that on a vacancy occurring on the council a notice was required to be posted for 14 days before a new member could be co-opted to the council. If within the 14 day period 10 electors requested a bye election then an election had to be held.

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- 6.6. The Tribunal considered that the following factors were in the Respondent's favour when the Tribunal was considering what sanction, if any, to impose on the Respondent:
- 6.6.1. his long record of public service on both district and town councils;
 - 6.6.2. the Respondent's re-election to the council in May 2007 following his suspension in November 2006 when the electors would have knowledge of his previous breach of the Code;
 - 6.6.3. that the May 2007 election had been contested and the Respondent had received a substantial number of votes;
 - 6.6.4. the Respondent's opinion about whether there had been a telephone call to him on 22 December 2005 had some evidential basis and was not one which it was unreasonable to hold;
 - 6.6.5. the honesty of other councillors and council officers was a matter of legitimate concern to a councillor and of public interest;
 - 6.6.6. the Respondent had tried to get the council to investigate his allegations in relation to Kelaine Spurdens through its employment committee but had not, apparently, received any response.
 - 6.6.7. the suspension of the Respondent in November 2006 related to a different matter.
- 6.7. The Tribunal gave considerable weight to the Respondent's re-election in May 2007 as people had voted for him knowing that he had been suspended from office for 3 months in November 2006 because of his conduct. Also the poor quality of the Respondent's relationship with most of the other members of the council would have been apparent from the reasons for his suspension. In addition by May 2007 the dispute over the telephone call on 22 December 2005 was in the public domain and the origins of this dispute lay in the 2006 investigation. However, it was very hard for the Tribunal to judge to what extent the dispute over the telephone call was known to electors.
- 6.8. In the Tribunal's view the guidance of the President of the Adjudication Panel, that repeated breaches of the Code were an indication that disqualification was the appropriate sanction, was to be approached with caution when there had been an election which had followed very closely on the imposition of an earlier sanction and thus that sanction could still be expected to be in the public consciousness.
- 6.9. However, the Tribunal was satisfied that the Respondent was capable of keeping the dispute running over a long period and he had demonstrated this by his actions since the dispute had started in summer 2006 and was still being pursued at the date of the hearing nearly three years later.
- 6.10. The Tribunal rejected the Respondent's view that he could not be a 'bully' because he was out numbered by the other councillors. The Tribunal formed the view from the Respondent's oral evidence and comments that he held very strong views, that he saw things in black and white and that he was willing to pursue matters vigorously over a long period. While in certain circumstances these attributes had merit on the facts before the Tribunal it considered the Respondent's commitment to be disproportionate to the substance of the dispute.

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- 6.11. The Tribunal found that the Respondent's strength of character was such that he was causing genuine personal anxiety to other councillors as indicated in the interview statement of Josephine Lea. This was demonstrated by his comment to the Tribunal about timing his arrival at council meetings to immediately before the start in order to keep the other councillors guessing about whether he would attend. The Respondent added quickly that he was very busy and that was the reason for arriving immediately before the start but this did not ring true to the Tribunal in the context of his other comments about the dispute being a 'war'.
- 6.12. The Tribunal had tried when discussing the future with the Respondent to make an assessment of his character and how he was likely to behave in the future when acting as a Town councillor with a view to deciding what sanction it would be appropriate to impose. To an extent the Respondent's resignation reduced the significance of this aspect of the Tribunal's deliberations as the Respondent was no longer a councillor and was unlikely to be one again before May 2011.
- 6.13. However, the way in which Respondent had presented his case at the hearing by taking the line that the Tribunal was likely to suspend him when he knew that this was impossible as he had already resigned, and the way he had chosen to pursue the dispute at the meeting which elected the mayor, lead the Tribunal to find that the Respondent's conduct was often based on tactics which had as their objective causing difficulty for those who opposed his views, rather than achieving an objective that was in the public interest.
- 6.14. Looking at all the circumstances and in particular the events which lead to his previous suspension and the Respondent's conduct after his re-election in May 2007 the Tribunal found that it was appropriate to disqualify the Respondent for a period of 12 months to bring home to the Respondent the need to change his ways and to give a clear and public signal that this type of disruptive conduct over a long period was unacceptable as it damaged both the image and the effectiveness of local government.
- 6.15. The decision of the Case Tribunal was unanimous.
- 6.16. The Respondent may seek leave from the High Court to appeal against the decision of the Case Tribunal that there has been a failure to comply with the Code of Conduct and/or the decision as to sanction. The President of the Adjudication Panel for England may suspend the effect of the sanction if requested to do so by a Respondent who intends to seek leave to appeal to the High Court against the decision of the Case Tribunal. Applications for leave to Appeal must be made to the High Court within 21 days of this decision. The Respondent is directed to the provisions of Part 52 of the Civil Procedure Rules.

Nicholas Holden
Chairman of the Case Tribunal
24 July 2009

Code of Conduct case reference – WC 03/12

Statement of – Mr Ian Taylor

Complainant/Subject Member/Witness – Complainant

Date of interview – 4th April 2012

Time of interview – 11.00am

Place of interview – Mr Taylor’s home address

Also present – Mrs S Taylor

This statement, consisting of 3 pages each signed and dated by me, is true to the best of my knowledge.

There are statutory restrictions on the disclosure of information obtained by the Monitoring Officer. This is covered by section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

Signature -



Dated -

17/04/2012

My correct forename is John, but I am widely known as Ian Taylor. I am a former Chairman of The Laverton Working Group. I resigned as Chair and as a councillor in 2009, due to ill health. After I resigned Mike Hawkins took over as Chair; Councillor Stephen Andrews was later elected Chair, and remained as Chair until 4 days before The Laverton launch event, when he was replaced by Councillor Russell Hawker.

The Laverton launch event took place on the 21st October 2011, the day before the public opening. It was an official council event, organised by the Town Clerk and Councillor Andrews. I was invited to attend the launch in my capacity as a former Chair of The Laverton Working Group. It was an invite only event, attended by people who were involved in, had responsibility for, or had made donations or contributions, to the refurbishment of The Laverton e.g. Wiltshire Councillors, the Chair of the BA13 group and the media. I think there may have been up to 70 people at the event. People were shown around The Laverton to see the refurbishment; it was a significant project costing approximately £370,000.

Councillor Hawker was introduced as Chair of The Laverton Trust and he spoke at length; I believe each speaker was allowed 10 minutes and Councillor Hawker used most of his allotted time.

Signature -



Dated - 17/04/2012

Although Councillor Hawker did not mention me by name, some of his remarks were aimed at me, or implied me, saying that I had destroyed the (Laverton) project, or did my best to kill the (Laverton) project off. Councillor Hawker's remarks were inappropriate and people were appalled.

The next day (the 22nd October 2011), Councillor Hawker made blog entries on the 'Westbury Town Forum', where he does mention me by name and says that I tried to ruin the project. Councillor Hawker made the same comments in his speech and on the Westbury Forum blog. I have been informed that Councillor Hawker has been blogging about me for years, but I was not aware of it.

I attended the Westbury Town Council meeting held on the 7th November 2011 – the first meeting to take place following The Laverton launch – and I spoke in the public forum session. I made a statement, a copy of which I am giving to you (*Roger Wiltshire, Investigating Officer*), together with a dossier of documents that I gave to the Town Clerk and the journalists present. Councillor Hawker responded to my statement by standing up and saying 'I stand by everything I said'. However, he did not have the right to reply and the Mayor asked Councillor Hawker to sit down. John Clegg also made a statement during the public forum - I believe the meeting was reported in the White Horse News. In my statement I made a comment about having more hair than Russell; I had been seriously ill and had lost my hair, it has now grown back dark and wavy, some people didn't think it was my real hair.

At the Westbury Town Council meeting held on the 7th November 2011, Councillor Hawker raised a motion that The Laverton Working Group be made a Committee of Westbury Town Council. The motion was defeated. On the 12th November I sent a letter to the White Horse News querying why Councillor Hawker raised the motion. (*Copy of the letter given to Roger Wiltshire, Investigating Officer*).

On the 25th November 2011, an email was sent to members of the General Interest Group (GIG), a group of stakeholders, etc... who use or are interested in using The Laverton, inviting them to a meeting on the 7th December 2011. One member of the group, Kerry Eatwell, a Westbury publican and former Westbury Town Councillor, emailed to say that she disagreed with the timing and manner in which the new Chairman (Councillor Hawker) was installed as Chair of The Laverton Trust, and that she would be withdrawing from the group. The email went to everyone on the original distribution list of 42 people, including me. Councillor Hawker replied to Kerry the same day (the 25th November), and everyone on the distribution list, including myself, received a copy. Councillor Hawker stated that he intended to reply in full to every lie and misleading claim made by John Clegg and Ian Taylor. Kerry Eatwell's email consisted of 2 lines; Councillor Hawker's reply was very long.

Signature

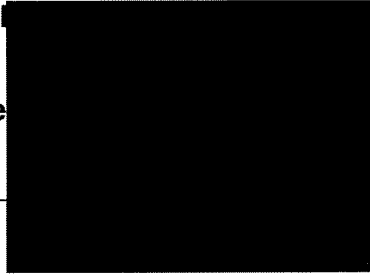


Dated - 17/04/2012

I attended the GIG meeting held on the 7th December 2011 – nothing happened at the meeting, Councillor Hawker was fine.

I did not attend the Westbury Town Council meeting held on the 9th January 2012. I believe that Councillor Andrews added an agenda item relating to my statement made at the 9th November meeting. I also believe that Councillor Hawker responded, accusing me of lying, but the Mayor told Councillor Hawker to stop and to sit down.

Signature



Dated – 17/04/2012

Code of Conduct case reference – WC 03/12

Statement of – Councillor Stephen Andrews

Complainant/Subject Member/Witness – Witness

Date of interview – 16th April 2012

Time of interview – 10.00am

Place of interview – Councillor Andrews' home address

This statement, consisting of 3 pages each signed and dated by me, is true to the best of my knowledge.

There are statutory restrictions on the disclosure of information obtained by the Monitoring Officer. This is covered by section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

Signature - 

Dated – 19 April 2012

I am a member of Westbury Town Council, and it was in this capacity that I attended the Westbury Town Council meeting held on the 7th November 2011. During the 'public forum' allowed in the meeting, Mr Taylor made a statement, which he appeared to have prepared before the meeting, relating to comments made by Councillor Hawker in his speech at the launch of The Laverton building. Councillor Hawker responded to Mr Taylor's statement by saying that he stood by all he had said against Mr Taylor and Mr Clegg.

I did not attend The Laverton event, but I have been informed that Councillor Hawker made attacks on Mr Taylor and Councillor Braid, claiming that Mr Taylor had killed off The Laverton project, and delayed it by several years. Whilst making his statement Councillor Hawker did not name Mr Taylor, however, he has since confirmed that it was Mr Taylor to whom he had been referring.

I believe that Councillor Hawker was wrong; Mr Taylor did not kill off or delay the project – the 7th November meeting was held in the refurbished Laverton building.

A motion was raised at the November meeting to change the Laverton Trust Institute Management committee from a working group to a full committee, with a proposed new composition for the committee. The motion was proposed by Councillor Hawker and seconded by Councillor Windess. I proposed an amendment; that the motion be split in two – 10A should the working group be made a committee, 10B should the Council accept the proposed composition.

Signature - 

Dated - 19 Apr 2012

The Council decided that the working group should remain a working group, but did accept the proposed new composition.

A meeting of The Laverton General Interest Group (GIG) was due to be held on the 7th December. However, there was an exchange of emails on the 25th and 26th November. One of the GIG members emailed to say that he would no longer be taking part in the GIG and you (*Roger Wiltshire, Investigating Officer*), have a copy of that email and of Councillor Hawker's response. There was a second exchange of emails between another member of the group and Councillor Hawker on the 26th November 2011 (*Councillor Andrews supplied a copy of the second exchange*). Councillor Hawker's email was sent to a large number of people, including myself and Mr Taylor, and the email contains errors of fact.

I attended the Westbury Town Council held on the 9th January 2012. Westbury Town Council has bi-monthly scheduled meetings, and the January meeting was the next in sequence after November.

I addressed the January meeting. I did not have prepared notes, I extemporised, referring to 2 items from the previous meetings minutes –

In his report on the Laverton Institute Trust Management Committee, Councillor Hawker apologised for not thanking the people who funded The Laverton in his speech at the launch event – he had spent all his time attacking members of the public.

I believe that Councillor Hawker was clearly wrong in his comments regarding The Laverton and Mr Taylor's involvement. I took over the chairmanship from Mr Taylor and I didn't need to revive a corpse. Mr Taylor had done a very good job and it made my job easier. At the January meeting I asked if the Mayor or Deputy Mayor had sanctioned Councillor Hawker's speech for the launch; they did not reply but both shook their heads.

Councillor Hawker started to respond to my comments, saying that he still stood by what he had said, and that if Mr. Taylor was saying anything contrary to this, Mr Taylor was lying. The Chair intervened at this point, banging the gavel and ordering that Councillor Hawker stopped speaking. The council members and 5 members of the public attended this meeting.

I believe Councillor Hawker has made consistent and sustained attacks on Mr Taylor for the last couple years, but has no evidence to support his contentions – The Laverton has been refurbished, the project was not killed off. Mr Taylor did 3 important things whilst he was Chair of the Laverton Trust –

Signature -

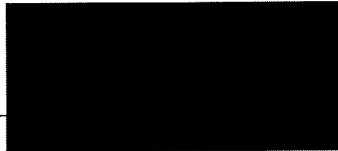


Dated - 19 Apr 2012

He commissioned the Project Plan;
He ended the snookers clubs tenancy, which allowed part of the building to be converted to offices;
He put The Laverton on a better financial footing by reducing the staffing, cutting overheads, increasing the income, and reducing the losses.

I took over as Chair of the Laverton Trust from Mr Taylor in May 2009. The refurbishment was completed in October 2011 – the project had not been 'killed off'.

Signature -



Dated - 19 April 2012

Code of Conduct case reference – WC 03/12

Statement of – Mr Keith Harvey, Town Clerk, Westbury Town Council

Complainant/Subject Member/Witness – Witness


Date of interview – 23rd April 2012

Time of interview – 2.50pm

Place of interview – Westbury Town Council Offices

This statement, consisting of 2 pages each signed and dated by me, is true to the best of my knowledge.

There are statutory restrictions on the disclosure of information obtained by the Monitoring Officer. This is covered by section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

Signature -  **Dated -** 30/4/2012

My name is Keith Harvey and I am the Town Clerk for Westbury Town Council.

I oversaw the Laverton refurbishment project on a day to day basis from June 13th to Oct 14th.

I believe the Laverton Institute Trust Management Committee (LITMC) made the decision to hold a launch event for the Laverton, with the event organised by John Parker, the Laverton Project Manager and Councillor Stephen Andrews who was Chairman of the LITMC to 17th October 2011. The launch was an official Westbury Town Council event; the Town Council is the trustee for the Laverton. I believe the invitation list for the event was drawn up John Parker, the Project Manager, and Councillor Andrews, the then Chairman of the LITMC. Gill Bright, a local Graphic Designer, may have helped as she holds our database lists for mailing purposes. Initially the invites would have been sent to anyone involved with The Laverton over the years together with other selected guests. Councillor Hawker would have been invited to the launch event as he was a councillor but more importantly he had recently become Chairman of the LITMC, on 17th October, replacing councillor Andrews, five days before the event.

I attended the Laverton launch event held on the 21st October 2011. Councillor Hawker was at the event and made a speech in his role as Chairman of the Laverton Institute Trust Management Committee. During his speech Councillor Hawker wanted to remind those present of some history regarding the refurbishment process at the Laverton, explaining the disruption to progress in the past caused by certain individuals. Councillor Hawker did not mention anyone by name, but those

individuals were present and would have realised he was speaking about them. Also some guests would have known who he was referring to.

People who attended the launch felt Councillor Hawker's speech should have been congratulatory on the work done, and looking forward to the future, instead of digging up history – it didn't go down well. People made comments to me along the lines of the speech being out of order, and it was not the time nor the place for Councillor Hawker's comments. Some people walked out in disgust, including those he referred to in his speech.

I do not follow the Westbury Town Forum and I do not see the postings made on the site.

John Parker is a contractor, employed and paid by Westbury Town Council as Project Manager for the Laverton. Westbury Town Council also employs a Development and Marketing Officer for the Laverton – that person is an officer of Westbury Town Council.

I attended the Westbury Town Council meeting held on the 7th November 2011. You (Roger Wiltshire, Investigating Officer), have shown me a copy of a statement made by Mr Taylor in the public forum of the meeting. The written statement is, to the best of my recollection, the same as that made at the meeting. Councillor Hawker responded to Mr Taylor's statement, saying 'I stand by what I said.'

I attended the Westbury Town Council meeting held on the 9th January 2012. Councillor Andrews made a statement reiterating Mr Taylor's statement from November, basically asking that Councillor Hawker desist from attacking Mr Taylor. Councillor Hawker said, or made a statement similar to, 'I stand by what I said'. I cannot recall the Mayor taking any action.

Only officers of Westbury Town Council have 'official' email accounts; councillors use their own, personal emails.

I received an email from Councillor Hawker on the 24th November 2011; the email asked for copies of Council papers, and for copies of the documents to which Mr Taylor referred in his statement to the 7th November 2011 meeting, papers that Mr Taylor said he would be giving to the Council. I assumed that Councillor Hawker was asking for the documents in his capacity as a Westbury Town Councillor.

I occasionally attend the meeting of the Laverton General Interest Group (GIG); I was probably copied into the email that you have shown me, but I do not remember reading it.

Signature - 

Dated - 30/4/2012

C4

Code of Conduct case reference – WC 03/12

Statement of – Mrs Barbara Mantle, Assistant to the Town Clerk, Westbury Town Council

Complainant/Subject Member/Witness – Witness

Date of interview – 23rd April 2012

Time of interview – 2.30pm

Place of interview – Westbury Town Council Offices

This statement, consisting of 2 pages each signed and dated by me, is true to the best of my knowledge.

There are statutory restrictions on the disclosure of information obtained by the Monitoring Officer. This is covered by section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

Signature -

Dated –

My name is Barbara Mantle and I am an employee of Westbury Town Council.

I believe the Laverton Launch event held on the 21st October 2011 was an official event of Westbury Town Council. The decision to hold the event was probably proposed by John Parker (The Laverton Project Officer) and agreed by The Laverton Institute Trust Management Committee (LITMC), a working group of Westbury Town Council. John Parker organised the Laverton launch event with my help. Councillor Hawker was invited to the launch event; he had become Chair of the LITMC the week before the event and he attended the event as Chair and member of the Laverton Institute Trust Management Committee.

John Parker is employed on a consultancy basis as Project Manager for the Laverton, paid by Westbury Town Council. Westbury Town Council has employed Sioux How as 'Laverton Development and Marketing Manager'; Sioux is an Officer of Westbury Town Council.

I did not attend the Laverton launch event, and I do not follow the Westbury Town Forum internet site.

I attended the Westbury Town Council meeting held on the 7th November 2011. Mr Taylor attended the meeting and made a statement in the public forum part of the meeting. Mr Taylor appeared to be reading a prepared statement.

Signature -

Dated –

You (Roger Wiltshire, Investigating Officer), have shown me a copy of Mr Taylor's statement, which corresponds with the brief shorthand notes I have of that part of the meeting. Mr John Clegg, another member of the public, also made a statement in the public forum at the same meeting. Mr Clegg's statement was critical of the launch event and of the speech given by Councillor Hawker at the event.

Councillor Hawker responded to the statement of Mr Taylor and Mr Clegg, saying 'All I said was true', or a comment similar to this.

I cannot recall seeing a letter from Mr Taylor in the White Horse News.

I attended the Westbury Town Council meeting held on the 9th January 2012. Councillor Andrews made a statement at this meeting regarding Councillor Hawker's speech at the Laverton launch event. Councillor Hawker replied that he stood by what he had said. I cannot recall the Mayor interrupting the exchange.

Westbury Town Councillors do not have 'official' Westbury Town Council email accounts; they use their own, personal email addresses.

I was copied into an email sent by Councillor Hawker on the 24th November 2011; I believe Councillor Hawker sent this email in his capacity as a Westbury Town Councillor.

I was copied into other emails sent around the same time, emails which relate to the General Interest Group (GIG) of the Laverton. I believe I was sent these emails for information only; I do not attend the GIG meetings – they are meetings for the community, run by John Parker the Laverton Project Manager.

Signature -

Dated –

Code of Conduct case reference – WC 03/12

Statement of – Councillor David Windess

Complainant/Subject Member/Witness – Witness

Date of interview – 15th May 2012

Time of interview – 4.30pm

Place of interview – Councillor Windess home address

This statement, consisting of 2 pages each signed and dated by me, is true to the best of my knowledge.

There are statutory restrictions on the disclosure of information obtained by the Monitoring Officer. This is covered by section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

Signature -

Dated –

My name is David Windess and I currently serve as Mayor of Westbury Town Council.

The Laverton re-launch event was held to celebrate the refurbishment of the Laverton. It was an official Westbury Town Council event, which Councillor Hawker attended in his capacity as Chair of the Laverton Institute Trust Management Committee (LITMC) – a working group of Westbury Town Council – and Councillor Hawker made a speech in his capacity as Chair of the LITMC. Councillor Hawker's speech was disjointed, and covered - whether it had been the right choice for Westbury Council to take the Laverton on; fundamental errors that had been made e.g. when applying for funding; and the actions of a previous Chair. I believe that during his speech Councillor Hawker referred to Ian Taylor by name, including that Ian Taylor went down the wrong path to source funding, and Councillor Hawker made an attack against Bill Braid. Bill Braid got up and left the event. There were mixed reactions and emotions to Councillor Hawker's speech – the speech had waffled and some people had 'shut off', there some outrage, some people said 'Russell has done it again'. Fleur de Rhe Philipe was at the launch event and commented that Councillor Hawker's speech was out of place, it was not the right place for that speech; other people made similar comments.

Signature -

Dated -

You (*Roger Wiltshire, Investigating Officer*) have asked whether I follow the Westbury Town Forum, but I don't.

Ian Taylor made a statement during the public forum at the Westbury Town Council meeting held on the 7th November 2011. You (*Roger Wiltshire, Investigating Officer*) have shown me a copy of Mr Taylor's prepared statement and it appears familiar. After Mr Taylor had made his statement Councillor Hawker stood up and rebutted Mr Taylor's comments. That was the end of the incident.

At the same meeting the Council considered a motion that the Laverton Institute Trust Management Committee be made a standing committee of Westbury Town Council – although it is called a committee it is a working group. The motion was proposed by Councillor Hawker and I was in agreement with it, I believe this was raised years ago and the idea was that the working group would evolve into a committee. Although Councillor Hawker is Chair of the LITMC it would not have changed his status. *Roger Wiltshire showed Councillor Windess a copy of Ian Taylor's letter that appeared in the White Horse News on the 24th November 2011.* If the LITMC had changed from a working group to a committee, Councillor Hawker would have become a member of the management committee with 8 or 9 other councillors, but this carries no special rights, no perks! Everything still has to go through the full council. However, the motion was defeated and the LITMC is still a working group, not a committee.

You (*Roger Wiltshire, Investigating Officer*) have asked if I saw an email sent by Councillor Hawker to the staff of Westbury Town Council on 24th November 2011, I did not see the email.

Although I am a member of the Laverton General Interest Group (GIG), I am not copied into emails and I do not attend every meeting – I am not aware of an exchange of emails on the 25th and 26th November 2011.

At the Westbury Town Council meeting held on the 9th January 2012, Councillor Andrews wanted to make a statement that related to Mr Taylor's statement in the November meeting; I was aware that this was a potential 'time bomb' and I made it clear to the members that I would give little leeway to any statements made. Councillor Hawker did respond to Councillor Andrews' statement and I thought Councillor Hawker was quite restrained. However, I believe Councillor Andrews' interview statement is correct – Councillor Hawker made a comment along the lines of 'he still stood by what he had said, and if Mr Taylor was saying anything contrary to this he was lying' and I intervened, stopping Councillor Hawker from speaking.

Signature -

Dated -

C6

Code of Conduct case reference – WC 03/12

Statement of – Mr Kerry Eatwell

Complainant/Subject Member/Witness – Witness

Date of interview – 20th April 2012

Time of interview – 11.00am

Place of interview – Telephone

This statement, consisting of 1 page each signed and dated by me, is true to the best of my knowledge.

There are statutory restrictions on the disclosure of information obtained by the Monitoring Officer. This is covered by section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

Signature - 

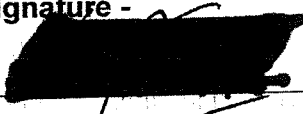
Dated – 20-4-12

My name is Kerry Eatwell and I was on The Laverton General Interest Group (GIG) email distribution list.

I was not too active in matters relating to The Laverton. I had liked Stephen Andrews, the previous Chairman, and I had not liked the way he left office, I did not like the way it had been handled, and the rumours that surrounded Stephen Andrews standing down.

On the 25th November 2011 I sent a general, group email, to those on the GIG distribution list, saying that I did not agree with the timing of the appointment of the new Chair or the manner in which it was done, and that I was withdrawing from the Group.

I received a very long email reply from Russell Hawker. The email had been copied to all those on the GIG email list. To me, the email from Russell Hawker appeared to be a personal email, rather than one sent in his capacity as a councillor.

Signature - 

Dated –

26-4-12

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C7

Full Statement in response to Interview Questions

My name is Councillor Russell Hawker and I am an elected member of Westbury Town Council. I am the current longest continuously-serving Westbury Town Councillor – since March 2002. I have been Independent since 2005. I am a chartered surveyor with a string of professional qualifications relevant to the Laverton Project, including degrees in property management and construction management and a CV that shows I have worked for five of the top ten UK firms of chartered surveyors successfully running all sorts of property projects and was the group investment surveyor for a very large UK property company (at the time called Peel Holdings Plc) reporting solely to the main holding company board. I am a former director of a national firm of chartered surveyors specialising in complex property projects.

I attended the Laverton launch event held on 21st October 2011 in my capacity as a town councillor and as chairman of the Laverton Institute Trust Management Committee (LITMC), which technically is a working group of Westbury Town Council.

I made a speech at the Laverton launch event in my capacity as chairman of the LITMC. My speech included a focus on recognising and thanking those who made a positive contribution over the years to the Laverton refurbishment project. I specifically mentioned Stephen Andrews, John Clegg, Pam Cox-Maidment, Gordon King and myself. I also paid tribute to those councillors who had made a significant political contribution by helping to face down strong opposition to the project which, contrary to the impression given by relatively recent events and statements, actually started in December 2003 when the town council became sole trustee of The Laverton.

I also talked about two people who made particularly negative contributions to the project. One of these was Ian Taylor though I did not actually mention him by name. Some people at the launch event who remember who was involved in the project going back some years may have realised that I was talking about Ian Taylor, but I think most people at the launch event would not have known or remembered who Ian Taylor is let alone what involvement he had in the project some years ago.

In my speech, I mentioned that I had written a comprehensive business plan for The Laverton including the intended refurbishment project which had been unanimously adopted by the town council in September 2006. I explained that it focussed on making sure that the project satisfied the heritage requirements of the Heritage Lottery Fund (HLF) to obtain a HLF grant. I said that at that time in 2006, large grants were available from the HLF for suitable projects, which the project was - as confirmed by HLF in a letter I had been sent following a visit by their grants adviser. In October 2006, Ian Taylor was introduced out of the blue to the LITMC and co-opted as a non-councillor by the LITMC on the basis that he had claimed to have the skills and general ability required to be able to apply for and obtain grants for the refurbishment project. Soon after, he trashed the business plan and recommended to LITMC that the HLF grant is not pursued and instead that a Big Lottery Grant is pursued. My speech explained all this and went on to make clear that the refurbishment project essentially stalled at the point when someone new joined the committee by co-option who had claimed to be able to obtain grants, who went on to be chairman of LITMC after his election as a town councillor in 2007 and who failed to obtain any grants at all and that the end result of his involvement after 2 years was a complete loss of confidence in the project, the laying off of the hall manager



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22/6/12

and the closure of the hall to the public. I went on to mention that soon after that the project started to make clear positive progress when we hired John Parker as a project manager as he guided us through the procedures needed to obtain grants despite us being by then in a recession post 2008 when grants were far more difficult to obtain.

I was simply stating facts and setting the record straight after a long period of misleading claims that occurred in public beforehand about the reasons for the delays with the project and who should be credited for any success. I was being controversial in the sense that some people do not like hearing the real truth. I criticised the actions of some people but made no personal attacks and did not mention names anyway.

Whether I made Ian Taylor uncomfortable about his own actions or not was no concern of mine as my priority was to set out the truth about the matter. I did not use words such as “liar” or “lying” during my speech. I was told after the speeches that a small group of people had walked out of the building. I worked out that this was Ian Taylor and his wife and one or two friends.

There is a long and complex background to Westbury Town Council becoming trustee of The Laverton in 2003 which I was involved in as a town councillor. I have been involved on the committee continuously since it was formed in 2003. I was openly critical of Ian Taylor and his approach to almost all aspects of his involvement in the project as almost everything he said or did was either wrong or seemed to be set on finding ways to ruin the project and getting the town council to give up the trusteeship. Ian Taylor definitely had a prejudicial interest, though I am not saying that he failed to declare this. We all knew that he was a trustee and committee member of Westbury Leigh Community Hall. I know this committee well and its propensity in the past to try to undermine competitor halls one way or another through my involvement in the nearby proposed Leigh Park Community Centre back in 2002 when that committee tried to get my project cancelled. My suspicion is that Ian Taylor deliberately set out to ruin the Laverton refurbishment project and that he took every opportunity to find ways to do this. This is my suspicion though I have not actually accused him of this. Moreover, I do think he deceived the committee and the council about his objectives throughout his involvement by continuously coming up with distractions that took the focus of the committee away from the key need to obtain grants and his failure to obtain any at all. I am pretty sure I have specifically said this on occasions on the basis that it is true.

I regularly post comments on internet chat forums such as the current “Westbury Town Forum” under the pseudonym of “baldy”. I have used these forums since they were first set up in about 2004 and I have used different names at various times. I started by using “Cllr Russell Hawker” but then changed to “Russell Hawker” and then other names as a result of trolls being attracted to making abusive comments.

The current “Westbury Town Forum” is the fourth one and it started in 2006 and I registered as “baldy”. I chose a comical name as I wanted to make it clear that I was acting informally and in maybe at times a light-hearted way. I carefully put up a “signature” that displays below all my posts making clear that I am not acting as a councillor unless I say I am. This is a result of my previous experience when people have tried to claim that I was acting as a councillor and this has led to investigations either by the Standards Board or local investigators where I have always been cleared. Although my posts talk about the council and council issues, I was not actually transacting council business in those posts. Rather, I was commentating and taking part in an informal chat

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just like in a pub when different people drift in and out of a group that is discussing general topics of interest.

In relation to the thread entitled “the laverton grand reopening” all my posts there were made as a commentary as a local politician rather than as a councillor not least because I am off-duty and specifically not there as a councillor – as confirmed by my electronic signature. The regular users of the forum, such as Mike Hawkins are all familiar with this situation as it has been the subject of extensive discussion over the years.

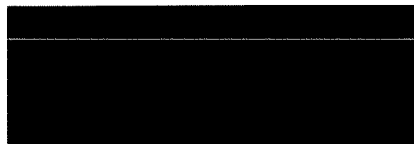
I attended the Westbury Town Council meeting held on 7th November 2011. Ian Taylor and John Clegg both made statements in the public forum part of the meeting. Ian Taylor is basically a respectable person who I do not think tells lies as a normal routine though I am not saying that I think he never lies or could never be deceptive. John Clegg is different. I have dealt with him over many years and regularly found that he is manipulative, that he lies and misleads, especially using innuendo, and makes false accusations in an underhand way as part of his normal routine when he is acting politically. I have ample evidence on this and indeed have confronted him in 2005 with clear evidence about this in front of all Westbury Conservative councillors. He lost his position as local group leader soon after.

At the meeting, John Clegg launched an attack on me. This followed an exchange of letters in the local newspaper, White Horse News, and a council debate previously when I and the council had responded to correct many false and misleading claims made in public by John Clegg and other Conservatives about me and other town councillors. John and Ian know each other as both have been active together in the local branch of the Conservative Party, especially during the local elections in 2007 when Ian was elected and John stood down as a councillor. Both John and Ian are former Conservative councillors, though at different times.

I have seen Ian Taylor’s prepared statement but he actually said more than this. He specifically accused me of attacking him as if this was a regular occurrence and as if what I had said at the Laverton launch event was improper and untrue. He was shaking his arms about and shouting, looking directly at me and making me out to have acted improperly and to have told lies about him. He was demanding a retraction and apology for my Laverton launch event speech and telling me to stop attacking him. The message was unmissable because he was emphasising that what I had said about him in my Laverton launch event speech was untrue. He was clearly branding me as a liar without actually using the word “liar”. I thought he should be an actor with the performance he gave that evening.

After he finished, I was allowed by the Mayor to respond briefly to both. I said that “I stand by every word I had said because everything I have said is true”. John had spoken first, then Ian and then I responded very briefly afterwards.

At the same meeting, the Council considered a proposal to change the Laverton Institute Trust Management Committee (LITMC) from a working group to a standing committee of the town council. This was not my idea or proposal. I simply presented the recommendation from the working group in my role as chairman of LITMC. The subject had originally been raised by Cllr Andrews when he was chairman of LITMC because he



had put the idea on a LITMC agenda for discussion. The working group had then discussed the idea and agreed to put the recommendation to a full council meeting.

The meeting of LITMC when Cllr Stephen Andrews had put the idea on the agenda took place a few days before the Laverton launch event. During this meeting, Stephen Andrews ceased to be chairman as I been voted in as the new chairman at the first item on the agenda. He immediately resigned from LITMC and left the room. Those remaining discussed the proposal to become a standing committee. The same topic was discussed again at a following meeting of LITMC to establish the wording of the motion to put to the next full council meeting. The idea of becoming a full standing committee would ensure public meetings and transparency, which was something the council as a whole had publicly promised some years earlier would occur once the refurbishment works had been carried out. The idea had come up from time to time for discussion throughout the existence of LITMC. It was not new. It was now very appropriate given that we had now completed the refurbishment works and the issue of commercial confidentiality in relation to costs and tenders etc was now obsolete.

I saw the letter sent by Ian Taylor and published in the issue of White Horse News dated 24th November 2011. I also saw the article in the same edition quoting Ian Taylor and John Clegg from their statements at the previous full town council meeting which were casting aspersions on me. Ian Taylor's letter contained many lies and misleading claims including an out-of-context quote from me. I say "lies" in the sense that his misleading and untrue claims were made either deliberately or recklessly in an intentionally damaging way.

I responded to both the article containing parts of Ian Taylor's statement at the council meeting and his letter with a letter in the following edition of the White Horse News to set the record straight. At the same time, I also responded to John Clegg's nonsense that had been printed in the same article in White Horse News. Afterwards, several people congratulated me on my two letters and for dealing effectively with both Ian Taylor's and John Clegg's nonsense. It is significant that neither Ian Taylor or John Clegg have attempted to deny any aspect of my two response letters. Apart from the nonsense contained in Ian Taylor's totally unfounded allegations made to the Monitoring Officer that is - which have caused this totally unnecessary investigation.

I sent an email to Keith Harvey, Westbury Town Council's Clerk, immediately after I saw Ian Taylor's letter in the White Horse News. The email was sent in my capacity as a local politician. I was not conducting council business. The exchange with Ian Taylor had by now become a slanging match in the sense that he was publicly making false claims about me that required a strong response. In any event, everything I said in my email to Keith Harvey is accurate and self-explanatory. It seems to me that the real problem here is that Ian Taylor is denying the truth and trying to make me out as some sort of uncouth liar.

You (*Roger Wiltshire – Investigating Officer*) have asked me as to what the phrase "*pack of lies that Ian Taylor has recently stated ...*" in my email refers. I was referring to Ian's multiple false and misleading claims in his letter in White Horse News combined with his false and misleading claims made at the previous full council meeting that had been printed in the article in the same edition of the newspaper (ie. his claims were repeated by the paper as a result of him circulating his statement). His false claims were clearly

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deliberate and intended to damage me. He was either acting recklessly or deliberately in saying what he had said. Either way, he had clearly now lied in a thorough and unmistakable way over a significant period of time; he is now a serial liar. His false allegations to the Monitoring Officer as if I have breached the code of conduct and / or defamed him are simply further proof of this.

Ian was denying the truth in my speech at the Laverton launch event, something that he and other Conservatives had wanted to hide. He was denying the truth in a way that amounted to calling me a liar because he was saying that what I said was untrue and he was demanding a retraction and apology. The claims in Ian's letter were a further attempt to discredit me. His letter contained barbs eg. he quoted me saying "*I am more qualified to handle the project than everyone else in the council put together, 8/8/07*". Whilst I did say this, it was a perfectly true statement at the time in 2007 in the context at the time, which was a project with the wheels falling off as a result of Ian Taylor ignoring the adopted business plan and persuading the committee to follow his lead, whilst I am a highly qualified and experienced chartered surveyor with a long string of relevant professional qualifications who helped to set the project up in the first place from the beginning. Ian Taylor also said that my two closest supporters were absent from the full council meeting. This was untrue. One occasional supporter was not there. Another occasional supporter, who does not normally support the Laverton project anyway, was also not there. My most regular supporters were at the meeting. In any event, there had been no deal or understanding reached between me and anyone else about whether to support the proposal for changing the working group (usually referred to as a committee in normal conversation) to a standing committee.

I am certain that my statement, "pack of lies" is simply true.

In my email, I also said that Ian is a bare-faced liar and deceived the council. He has deceived the council on more than one occasion with his various actions in dealing with the Laverton to hide the fact that he made no progress in obtaining grants when he was co-opted to the committee in the first place because he claimed to be the person to do this. Almost every new direction he took the committee in was a diversion away from proceeding forwards with the long-intended refurbishment project.

In 2006, I drew up a detailed business plan that was adopted unanimously at a full town council meeting. Soon after, there was a meeting of LITMC to start putting the plan into effect. Ian Taylor attended this meeting but I had never met him before and did not know that he would be there. The mayor, Pam Cox-Maidment, introduced him as her new neighbour and as someone who could undertake the role of applying for grants. This was clearly a device to demote me as an Independent councillor in a Conservative-dominated council so that the person who had written the business plan and undertaken the research on grants, including obtaining Heritage Lottery Fund confirmation in writing that they were interested in supporting our project subject to producing a "heritage plan" as mentioned in the adopted business plan, was now to be prevented from actually applying for the grants despite being the one person obviously well-qualified and already familiar with the project to do so.

I had the clear experience and qualifications to chair the committee and lead the project. I was "ready to go". The manoeuvre was clearly political. Ian made it plain that he had the relevant all round skills and experience despite not having specific expertise in applying

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for grants to be able to advise on the relevant grants to pursue and that he would be able to apply for and obtain the grants we needed. The committee swallowed his claims whole. I objected on the basis that he was not qualified or experienced in the project and that he would find the whole process too difficult. His first subsequent move was to trash the business plan. I pointed out that everything he was saying was factually wrong and that he was comprehensively misunderstanding the criteria that the Heritage Lottery Fund then used to judge suitable projects. He was simply not interested in a debate about the subtleties of how to present the project as one focussed on the heritage of the building and he recommended that we proceed with a Big Lottery Fund application instead, which the committee agreed to. The town clerk at the time was not a supporter of the project and was no help to me in trying to get the project back on track with the business plan.

I have used the term “deceptive manoeuvres” in my email. Meetings of Westbury Town Council include an agenda item where the Chairman of the LITMC gives a briefing on the activities of the committee in relation to the management of the Laverton and any progress with the refurbishment project. In one such briefing, Ian Taylor had announced the failure to gain both a Big Lottery Fund grant and a Heritage Lottery Fund grant as if we had properly applied for both and failed when in fact we had never proceeded to make a proper main application for the HLF grant and he had bungled his application for the Big Lottery Fund grant in a truly spectacular way, with the BLF reply pointing out that the forms were incorrectly filled in and the project did not fit their criteria anyway. He could not have mishandled the whole affair in a worse way and now he was reporting the fact that the project had failed to make progress as if it was not his fault but merely that the project was not suitable for obtaining grants. The implication of his pronouncements was that the whole idea of the trusteeship and refurbishment project was fundamentally flawed and he would now lead a review of the whole purpose of the trusteeship and project. This subsequently led to the building being closed to the public due to the total loss of confidence in the refurbishment project that he had caused and the consequent fact that income had not risen as a result of the refurbishment being delayed.

Ian Taylor had joined the LITMC in October 2006 as a co-opted member. He then became elected as a town councillor in May 2007 and soon after became chairman of the LITMC. He never made a proper application to the HLF. At one point in about 2007 he produced a faxed letter that was not on headed notepaper purporting to be from the HLF and saying that they were not interested in our project in response to a preliminary approach that Ian Taylor had made at some point. It is bizarre that as a member of the LITMC committee I had never seen or been made aware of this letter from HLF at any time until he produced it when challenged by me and now all he had was an undated file copy faxed version. This looks deeply suspicious especially as we had already received a well circulated 4 or 5 page letter from HLF encouraging us to proceed with a HLF grant application prior to Ian becoming involved. Indeed, this was why I had written the adopted business plan based primarily on HLF funding.

The application for a Big Lottery Fund grant had taken about a year to be made and then it failed spectacularly. I had always said that the Big Lottery Fund was the wrong grant to be applying for in relation to primary funding for a large refurbishment project as it is not available for this purpose. His failure to obtain any grant at all after two years of his involvement was all the confirmation I needed to show that Ian Taylor had misled everyone when he had originally claimed to be able to obtain grants.

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There is a long history behind the decision by Westbury Town Council to become the trustee of The Laverton in December 2003. The council had been split and several meetings occurred to revisit, reverse and then re-decide the matter. By 2006, when Ian joined the committee, the issue of trusteeship was settled. The adoption of my business plan with a unanimous vote in September 2006 was the culmination of extensive work and argument and finally the matter was settled. This only lasted just a few weeks as Ian Taylor became involved and then he completely wrecked every aspect of the refurbishment project such that no progress at all was made except a few maintenance works that would have been undertaken with or without his involvement.

An application for the Heritage Lottery Fund consists of two parts. There is a preliminary application, expressing an interest and explaining in a few words, stressing the heritage merits of the project, the aims of the project. It is important to hit the right buttons at all stages in HLF grant applications. I made the preliminary application in 2004 and this resulted in a long letter from HLF encouraging us to compile a "Heritage Plan" as part of the project as this would help us to qualify for the main grant. There was also a grant available for producing the heritage plan. The HLF adviser had visited the building with me and confirmed in writing that the building was suitable and that the project could be adapted to be suitable by including a focus on how the local population would learn about the heritage and so appreciate and use it more. This letter from HLF was circulated to the whole town council with the 2006 business plan. We had also set up a partnership with Westbury Heritage Society as part of the process of preparing to undertake the heritage plan. This is why the LITMC had co-opted a member from Westbury Heritage Society.

Ian Taylor's first pronouncement after joining the committee in 2006 was that the business plan was wrong and that we would not qualify for the HLF grant and that we should proceed with a Big Lottery Fund grant application. The two types of grant were mutually exclusive under the rules that both bodies published at the time. He said ignore the HLF grant and go for the Big Lottery grant. He was plainly talking complete rubbish.

When he failed to obtain any grants after about 18 months, he instituted a complete review of the trusteeship and the project. This had been settled in the business plan after a long period of argument and reflection. He was simply undoing all the hard work that occurred before his involvement and trashing it as if only he knew what to do, yet he was actually failing to achieve any real progress and was diverting attention from this by querying everything and then proposing to close the hall because of the loss of confidence in the project and because income had not risen to cover costs as expected which was because he had ruined the project and caused it to make no progress.

I had originally thought that Ian had resigned off the committee and the council due to the reality that he had lost the confidence of committee members who had realised that I had been correct on many important issues and that Ian had in fact ruined the project, not least by obtaining no grants at all. It is important to appreciate that by this time in early 2009, John Parker had started to advise us and it had become clear that Ian's approach to almost everything had been wrong and that the 2006 business plan was fundamentally correct. I later learned that Ian was suffering from ill health. I believe that this is simply a coincidence and that his tenure as a councillor had lost all credibility as a result of his comprehensive trashing of the Laverton project despite his claims that he was there to help move things forward. Ian resigned in early 2009.



I am a member of the Laverton General Interest Group (GIG). I had joined as a member of the public and town councillor, but I am its chairman by virtue of being chairman of the LITMC. I received the email from Kerry Eatwell in my capacity as a councillor and chairman of LITMC. Kerry Eatwell's email was made in response to the article referring to me in White Horse News and Ian Taylor's letter in the same edition of the paper. When I replied to Kerry, I had not stopped to think which capacity I was acting in as chairman, as councillor or politician but I was solely focussed on being accurate with the full truth to explain everything clearly. What I wrote is simply true. This investigation simply needs to focus on the truth and the reality that what I have said is simply true.

My second email was not sent in response to Alanna Ivin's email. I had tried to send my second email several times but I was receiving error notices suggesting that it had not been sent. When Alanna's email arrived, I realised that my second email had arrived to some people and that it was being re-circulated and that all my intended addressees for my second email had therefore received it either directly from me or via Alanna's reply.

I use my personal email address for all town council-related emailing activity. Westbury Town Councillors do not have official email addresses. We use our own computer systems and email addresses. Only town council staff have council computers and council email addresses.

In my second email I said that *"It was clear to me that the committee was being hoodwinked by a fraudster"*. I was simply stating the true fact that this is what I had and continue to think. This statement in itself is not an accusation that Ian Taylor is a fraudster. I am saying that this is what I think. Nevertheless, I am happy to confirm that even if I accused Ian of being a fraudster in the circumstances under consideration, that this is simply a true fact anyway. Ian defrauded the committee and the whole council by claiming that he was capable of properly applying for and obtaining grants. He was claiming to have an ability that he completely failed to demonstrate. It never materialised. The complete opposite occurred. He misled everyone except me. He actually caused terrible damage to the project by causing long delays and a loss of confidence such that the project was effectively ruined until I insisted that we start to take advice from John Parker. It should be noted that Ian Taylor failed to obtain any grant at all in a buoyant period for the economy and grants. John Parker quickly obtained a range of grants during a recession and when grants were in much shorter supply.

I stand by the point that Ian Taylor defrauded the committee and council, even though I did not actually accuse him directly of being a fraud in my email on Saturday 26 November 2011. I am happy to openly accuse him now because it is entirely true and because he has caused me to have to justify my comments whilst he denies the truth. He was a fraud and to the extent that he denies it and everything else still, he is still a fraud.

I do not mean criminal fraud. I mean fraud in the sense that he clearly claimed to have abilities that he simply does not possess. The outcome of his involvement is clear proof if ever any proof were needed. As far as I am concerned, he never justified his claims in the first place with any evidence of any relevant knowledge or skills. As a result of his involvement, when the committee and council relied on his claimed ability, the project was seriously damaged. This is essentially what I was referring to in my Laverton launch



event speech – that he seriously damaged the project and obtained no grants at all despite claiming to be able to obtain grants. What I said could not have been more true.

I have also said “*manipulations and nonsense*”. The gist is that Ian failed to obtain any grants over a long period. Rather than admit his mistakes and failures, he continued to dismiss my criticisms – all of which were accurate and justified. He made recommendations to the committee and could have chosen to apply for any grant at any time because the committee were completely swallowing all of his nonsense. When he made the Big Lottery application, he filled in the form incorrectly and no grant was awarded. When he reported this to the council, he did not mention his failure to fill in the forms correctly but simply explained that the project had failed to qualify for grants as if we were all wrong for thinking it would ever qualify for grants. He then led a review of the whole trusteeship and refurbishment project as if he was qualified to judge and advise on anything that had occurred before he arrived.

As far as I am concerned, the man is a complete fraud in the way he handled himself and his involvement in this whole project and everything he did was either pointless or nonsense or a manipulation designed to distract from his own failings by trying to find a justification for the failure to make any progress.

He even suggested that the council considers handing over the trusteeship to another body, which would have meant a loss of control over the building that the council occupies for its own offices. The council had already argued repeatedly about where to locate the offices throughout the period between 2002 – 2006 and he was stirring this up again for no good purpose.

In late 2008, I had asked the committee to bring in John Parker as a project consultant to advise us on our options for going forward with the Laverton refurbishment project. I had explained to the committee that just because Ian had failed to get grants this does not mean that the project would not obtain grants if proper applications were actually made to the right places in the right way. The majority of committee members by now agreed with me and we proceeded to bring in John Parker who was already doing excellent work for the town council on other difficult projects. We did not know that John Parker had expertise in applying for grants for community buildings but it quickly became clear that the project was going to be put back on its tracks if we formally engaged John Parker to advise going forward.

The committee asked John to undertake a review of all our options and to recommend a way forward. It was clear from John’s initial report that we had not implemented the 2006 business plan which was fundamentally sound in approach. The committee asked for a more detailed report.

John’s more detailed report in early 2009, set out various options for going forward but they were a little unclear and tended to identify very specific directions rather than the multiple use building that was envisaged in the 2006 business plan. Ian Taylor wanted to proceed with an option that seemed difficult to achieve. I proposed that we merge two options so that the building is to be refurbished as a community building with a focus on our heritage so that we qualify for heritage-related grants (which we eventually did, though it was not a HLF grant) and with another focus on cultural and art related events.

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Ian was not happy with this and was vigorously trying to propose another direction. This was another example of his attempt to manoeuvre the situation away from the original business plan in a really quite pointless and potentially damaging way. He was outvoted. I think only he supported his own proposal. The committee had by now agreed to pursue a direction that was more or less that set out in the 2006 business plan. Ian was clearly annoyed and resigned as a councillor very shortly afterwards. As far as I am concerned, he resigned as a result of realising that he was now discredited as the whole committee realised he had misled us on so many things from the moment he became involved.

At the Westbury Town Council meeting on 9th January 2012, Councillor Andrews made a statement that included accusing me of lying and he asked me to withdraw and apologise for my lies about Ian Taylor. He was doing this by referring to the Minutes of the previous meeting which recorded the fact that Ian Taylor had attended and asked for my apology and the fact that I had rejected this and stood by my words. I replied in kind to Stephen Andrews. I did not say that he was a liar but that Ian Taylor and John Clegg had lied and had repeated their lies. The Mayor, David Windess did not say anything to stop me as I had finished and sat down before he said anything, which was simply to move to the next item of business. Cllr Andrews was trying to rebuke me as if I had been lying. I made clear that it was not me who was lying, it was they – meaning him and his fellow Conservative conspirators in this nonsense – who were lying. There was no reaction from other councillors and the Mayor just moved onto the next item of business.

I would suggest the following people would be good witnesses to many of the above events:

Mike Hawkins (former Mayor and member of LITMC when Ian Taylor was co-opted).
Charlie Finbow (ditto)
Cllr David Windess (now former Mayor)
Cllr Susan Ezra (former Mayor and current Mayor).

All the above were elected as Conservative councillors and all have left the party by now, like Ian Taylor.



22/6/12

C8

Code of Conduct case reference – WC 03/12

Interview record of – Councillor Russell Hawker

Complainant/Subject Member/Witness – Subject Member

Date of interview – 17th May 2012

Time of interview – 10.10am

Place of interview – Wiltshire Council Offices, County Hall, Trowbridge

This interview record, consisting of 7 pages each signed and dated by me, is true to the best of my knowledge.

There are statutory restrictions on the disclosure of information obtained by the Monitoring Officer. This is covered by section 63 of the Local Government Act 2000 and disclosure of information contrary to this is a criminal offence.

Signature -

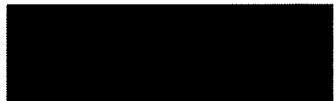
Dated –

My name is Councillor Russell Hawker and I am elected member of Westbury Town Council.

I attended the Laverton launch event held on the 21st October 2011 in my capacity as a Westbury Town Councillor, and as Chairman of the Laverton Institute Trust Management Committee (LITMC), a working group of Westbury Town Council. I made a speech at the Laverton launch event, and I did this in my capacity as Chairman of the LITMC. My speech included a focus on recognizing and thanking those who had made a positive contribution to the Laverton Project, I mentioned John Clegg, Pam Cox-Maidment, Mr King and myself. I also recognized those who made a political contribution towards the refurbishment, for example those who had 'faced-down' opposition to the project.

I did talk about Ian Taylor; I did not mention him by name, but people could have realised to whom I was referring. In 2006 I had prepared a business plan for the Laverton Project, a plan that had been agreed and adopted by Westbury Town Council, but the project slowed down after Ian Taylor became Chair of the LITMC and Ian failed to secure any grants for the Project between 2006 - 2008, despite grants being more readily available during that period, and despite Ian stating that he could get grants. However, when John Parker became the project manager he did manage to gain grants, even in the recession.

Signature -



Dated -

22/6/12

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I was setting the record straight, I did not intend to make Ian Taylor uncomfortable, I was criticising Ian's actions, not attacking him personally. I talked of Ian's work ruining the project. During his tenure as Chairman, the Laverton was closed, staff were laid off, the project lost time and momentum, and there was a loss of confidence in the project. I did not use phrases such as 'lying' during my speech. I was told that after my speech some people had walked out – I believe it was Ian Taylor and his friends who left.

There is a background to Westbury Town Council taking on the Laverton. A committee was formed very early in my first term of office and I have been involved with the Laverton Project from the start. I was critical of Ian Taylor and his approach; I also believe Ian had a prejudicial interest as he is trustee of Westbury Leigh Village Hall. My suspicion is that Ian deliberately set out to destroy the project, that he looked for every opportunity to stop the project.

I make posts and entries on the 'Westbury Town Forum' under the pseudonym 'Baldy'. I have used forums since 2004 and I have used different names – I started using 'Councillor Russell Hawker' but this caused problems and I have also used 'Russell Hawker', and a series of names. This forum started in 2006 and I registered as 'Baldy' – I chose a comical name as I wanted people to treat my involvement in a more light hearted way. I am unable to change my user name from 'Baldy', and most people who use the forum would know that I am 'Baldy'.

I do not use the forum in my capacity as a councillor, and I try to make this clear. I have previously been investigated by the Standards Board and this has come up before. The Standards Board decided that although my posts relate to the Council, I was not on Council business, it was an informal chat, a commentary on the council, I was not transacting council business. Even after Mike Hawkins made his comments on the forum I was continuing a commentary and was not acting as a councillor.

I attended the Westbury Town Council meeting held on the 7th November 2011. Ian Taylor and John Clegg both made statements in the public forum part of the meeting. Ian Taylor is a respectable bloke who does not set out to tell lies. John Clegg and I had locked horns before, John Clegg is a liar. John Clegg launched an attack on me, then Ian spoke – both John and Ian are former Conservative Councillors. I have seen Ian Taylor's prepared statement, but I believe he said more than this; Ian shouted, looking directly at me, the message was unmissable, he was branding me a liar, that I what I had said in my speech was untrue. I was allowed to respond by the Chairman; I said 'I stand by every word that I have said as being true'. John had spoken first, and then Ian and I spoke after this.

Signature -



Dated -

22/6/12

At the same meeting the Council considered a proposal to change the Laverton Institute Trust Management Committee (LITMC) from a working group to a standing committee of the Town Council. This was not my idea – any motions raised by the working group are presented and moved by the Chairman of the group. I believe the proposal for the change was made by Councillor Andrews when he was Chairman of the LITMC.

There was a meeting of the LITMC a few days before the Laverton launch event, and the proposal was on the agenda for that meeting, an agenda written by Stephen Andrews. During this meeting Stephen Andrews resigned as Chair and left the meeting; those who remained continued the meeting, working through the agenda and the proposal to change the working group to a committee.

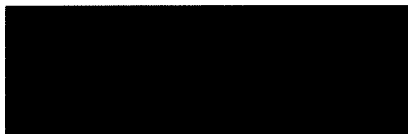
I saw the letter sent by Ian Taylor and published in the White Horse News, 24th November 2011 edition. I responded with a lengthy letter that was published in the next edition of the White Horse News. After my letter had been published people congratulated me on my reply – I did not receive a response from Ian or from John Clegg.

I sent an email to Keith Harvey (Westbury Town Council Clerk) immediately after I saw Ian Taylor's letter in the White Horse News. I sent the email in my capacity as a politician, I was not on Council business, the exchange with Ian Taylor had become a slanging match and as I was acting as a politician when dealing with it.

You (*Roger Wiltshire, Investigating Officer*) have asked to what the phrase '*.....pack of lies that Ian Taylor has recently stated.....*' in my emails refers. I was referring to Ian Taylor's letter that was published in the White Horse News; that Ian was denying the truth behind the statement I made at the Laverton launch event and that denying that I was telling the truth amounted to calling me a liar. The claims contained in Ian's letter were an attempt to discredit to me; his letter contained barbs e.g. he quoted me '*I am more qualified to handle the project than everyone else in the council put together, 8/8/07*', although I did say this. Ian has also said that my two closest supporters were absent – this was wrong, one person who may support was not there, but my two closest supporters were there. The lies included the statement made by Ian at the Town Council meeting held on the 7th November 2011 and the contents of the letter published in the White Horse News. I believe my statement (Pack of lies) is true.

In my email I said Ian was a bare-faced liar and deceived the council – Ian has lied on more than one occasion.

Signature-



Dated -

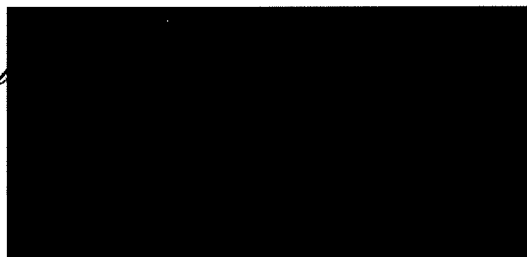
22/6/12

In 2006 I drew up a business plan for the Laverton Project which was adopted by the Full Town Council. After the plan had been adopted there was a meeting with the aim of putting the plan into effect. Ian Taylor was at this meeting but I had never met him before, the Mayor, Pam Cox-Maidment, introduced Ian as a neighbour, new to the house, and as the person to apply for the grants. I was confused by this; I had the qualifications and the experience both to be the Chairman and to deal with the Laverton Project, I was 'ready to go', but I was an independent councillor and the majority of the council were Conservatives, it was a political move, I was being removed from the action. Ian made it plain that he had experience (although he admitted not in applying for grants) and the Committee swallowed it whole - I didn't. I did not believe that Ian had the experience or skills necessary. Ian's first move was to trash the business plan, I believe everything Ian said was wrong, but the committee went for it. The Town Clerk who was in post at that time was anti-Laverton and did not help me.

I have used the term 'deceptive manoeuvres' in my email. Meetings of Westbury Town Council include an agenda item where Chairman of the Laverton Institute Trust Management Committee gives a briefing to the members of the Council. In one such briefing Ian Taylor announced the failure to gain either a Big Lottery Grant or a Heritage Lottery Grant, I believe that Ian had not applied for the grants at that time. Ian joined the LITMC, then he became a councillor and then Chairman of the LITMC and I believe there was never a proper application made for a Heritage Lottery Grant – Ian had always thought it was the wrong grant to apply for. The Big Lottery Fund application took a year to fail.

There is a history behind the applications for lottery funding and Westbury Town Council taking on the Laverton building. The Town Council had been split, holding three or four meetings during 2003 but eventually decided that the Town Council would become the trustee for the Laverton and decided to proceed. By 2006 when Ian joined the committee, the idea of the trusteeship had been settled and the business plan adopted. Ian applied for the Big Lottery Grant and failed, he said he applied for a heritage Lottery Grant and said it failed, but I do not believe he applied for it.

Signature -



Dated -

22/6/12

An application for a Heritage Lottery Grant consists of two parts – there is a pre-application, expressing an interest in the grant, and stressing the heritage of the building. I made the pre application in 2004 and received a lengthy reply from the grant people; they also visited the Laverton and the inspector thought the Laverton would qualify, as long as a Heritage Plan was done – one aim of the Heritage Grant is to improve the appreciation of the heritage aspect of the building. There is also a grant available to help with the Heritage Plan, I helped draw the plan up and we established a partnership with the local heritage group. At his first meeting Ian said, ignore the Heritage Grant, go for the Big Lottery Grant.

When Ian did not get the grants he undertook a review including whether the Town Council stayed as the trustee, but this has been settled, why did he do this? By the end of Ian's involvement the Laverton building had been closed and the manager sacked, Ian did his best to end the project. I originally thought Ian resigned due to the problems he had caused for the Laverton, it was only later that I found he had resigned through ill health. I believe Ian resigned in 2009.

I am a member of the Laverton General Interest Group (GIG). I had joined the group as a member of the public, but I am now Chairman of the LITMC, and I received the email from Kerry Eatwell as Chairman of the committee. Kerry Eatwell's email was made in response to an article that appeared in the White Horse News and Ian Taylor's letter, the letter published in the White Horse News. When I replied to Kerry Eatwell's email I had not stopped to distinguish in which capacity I was replying – as a member of the public, as myself, as Chairman, etc.... people may have thought I was responding as Chairman. I believe that the comments I made in my email are true.

My second email was not sent in response to the email from Alanna Ivin. I had tried to send my second email but it seemed to fail. I tried to send the email again and I was in the middle of doing this when Alanna's email arrived; presumably she had already received my email.

I use my personal e mail address as Westbury Town Councillors do not have official, Westbury Town Council e mail accounts, only members of staff have these, therefore I use my own internet, computer, etc.....

In my second email I said '*.....the committee was being hoodwinked by a fraudster....*' , I am referring to my comments in the preceding paragraph, where I state what I thought when Ian arrived, and what I still think is true. Ian defrauded the committee by claiming he could get grants, I didn't mean criminal fraud, but a claim he had abilities which he did not have. It should be noted that Ian did not manage to obtain grants but when John Parker became project manager he obtained grants as soon as he came in.

Signature-



Dated -

22/6/12

I have also said '*manipulations and nonsense*'. The gist is that Ian had failed to obtain grants over a long period. Ian made recommendations to the committee and he could have applied for any grant. When he applied for the Big Lottery Grant the form was incorrectly completed and no grant was awarded. Ian was wrong but would not admit it and went down the route of a complete review and looked at ending the trusteeship, something that he had not been brought into to do, this was one manipulation.

Either in late 2008 or early 2009 I said to the Committee, and the Committee agreed, that just because Ian had failed to obtain grants, it doesn't mean that grants could not be obtained or that the business plan was wrong. The Committee agreed in principal to bring in an expert.

John Parker was already working for Westbury Town Council, John had a good track record and I suggested using John – even though I was not then aware that he had experience in applying for the relevant grants. The Committee asked John to carry out a review and suggest a way forward. John's initial report was an overview and did not spell things out in clear terms - the report gave various options to move the project forward, and said that not everything on the business plan had been adopted. John said he would help move the project on. The Committee asked for a detailed report to include use of the Laverton, available grants, etc... there were complicated discussions.

Ian had suggested five or six options including using the Laverton as an arts centre, or a community centre. There was a case, as in my business plan, for combining two of the options. Ian was not happy with this and was out voted. Ian's work halted and he resigned soon after. I thought he resigned as he had lost the argument.

John told me that Ian had been trying to steer John away from the recommendations made by John, that Ian was trying to influence the recommendations to the way he wanted them to go. This was part of the manipulation.

At the Westbury Town Council meeting held on the 9th January 2012, Councillor Andrews made a statement that included I had been telling lies regarding Ian Taylor and that I should stop. I believe that I replied in kind. I did not say that Councillor Andrews had lied; I said it was Ian Taylor and John Clegg that had lied and repeated the lies. David Windess was Mayor at the time and he did not say anything or join in. Councillor Andrews had referred to the minutes of the previous meeting where I had rejected Ian's statement. Councillor Andrews was trying to reprimand me for lying, I said it wasn't me that was lying, it was they who were lying. There was no reaction from other councillors.

Signature -



Dated -

22/6/12

I would suggest the following people as potential witnesses. They are credible, neutral witnesses who will speak their minds whether I like it or not –

Mike Hawkins (a former Mayor)

Charlie Finbow (a former Mayor)

Councillor David Windess

Councillor Susan Ezra

Signature -



Dated – 22/6/12.

Wiltshire, Roger

From: Keith Harvey [keith.harvey@westburytowncouncil.co.uk]
Sent: 29 March 2012 16:30
To: Wiltshire, Roger
Subject: RE: Private and Confidential
Attachments: Town Council 07.11.2011.docx; Town Council Minutes 09 01 2012.docx; Laverton Launch Event - Invitation mailing list JP.doc; Laverton Launch invite Oct2011.pdf

Dear Roger

Please find below information as requested, plus attachments. The e-mail you refer to I will forward separately.

Regards

Keith Harvey
 Town Clerk
 Westbury Town Council

01373 822232

From: Wiltshire, Roger [mailto:Roger.Wiltshire@wiltshire.gov.uk]
Sent: 29 March 2012 12:41
To: Keith Harvey
Subject: Private and Confidential

Dear Keith,

Re Code of Conduct complaint WC 03/12, Councillor Russell Hawker

You should have recently received a letter from my colleague, Anna Browne, stating Wiltshire Council had received an allegation that Councillor Hawker breached the Code of Conduct. The allegation has been referred for investigation, and I have been appointed as the investigating officer.

I am in the very early stages of my investigation, researching preliminary information, and I need your help in gaining information.

Is it possible to have the agendas and minutes of the Westbury Town Council meetings held on the 7th November 2011 and the 9th January 2012? I have tried on line but it says the Westbury Town Council website is under reconstruction.

Attached

Were you copied into an email sent by Councillor Hawker on or about the 25th November 2011? If you were copied into the email, may I please have a copy?

Will forward separately.

The reception to re launch The Laverton. I believe this was held on the 21st October 2011. I need to ascertain information regarding this event, including –

Was it held on the 21st October? (the 'official' date appears to be the 21st, but I have also been told the event took place on the 25th October).

Friday 21st October 2011

What type of event was it? (e.g. official council event).

Official, as per invite and mailing list.

Who funded the event?

Westbury Town Council

Who organised the event? (e.g. Councillors, council staff, some one else)

Council Staff, including contract employee working on the Laverton grants etc.

Who sent out the invitations? (councillors, council staff, etc..)

Council staff, including contract employee working on the Laverton grants etc.

What form did the invitations take? (email, printed, verbal, etc...)

Printed as per attached and posted.

What did the invitations say?

See above.

In what capacity was Councillor Hawker invited?

Chairman of The Laverton Institute Trust Management Committee

In which format was he invited?

Russell took over as Chair of the LITMC on Mon 17th Oct, replacing Stephen Andrews.

What was the wording of Councillor Hawkers invitation?

No invitation as such, as he was Chair of the LITMC he was expected to turn up and say a few words.

In what capacity was Councillor Hawker asked to address the meeting?

Chairman of The Laverton Instutute Management Committee

In what capacity did Cllr Hawker address the meeting? (Councillor, Chair of the Laverton Committee, etc...)

Chairman of The Laverton Institute Management Committee.

Did you attend the event?

Yes I attended the event

My apologies for asking so many questions, I am afraid that the information is necessary.

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

Yours sincerely,

Roger Wiltshire

Ethical Governance Officer

Governance

Wiltshire Council, County Hall, Trowbridge,

Wiltshire, BA14 8JN, www.wiltshire.gov.uk

roger.wiltshire@wiltshire.gov.uk

01225 713462

Web: www.wiltshire.gov.uk

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WESTBURY TOWN COUNCIL

Notes of the Laverton Institute Trust Management Committee held on the 26th
April 2011 at The Laverton

D2

**PRESENT: CUs S Andrews (Chair), W Braid, Mrs C MitcheU and Mrs
D O'Hara.
Mr K Harvey and Mrs B Mantle.**

1. **Apologies.** Cllr SMiles - unwell.
Cllr Mrs S Ezra - personal.
Cllr R Hawker - personal

2. **Notes of the meeting held on 21.02.2010.** Agreed.

3. **Matters Arising:**

Biography of Abraham Laverton. Costs originally supplied last September, and it is now apparent that this project needs more funding, Cllr Andrews to clarify situation with Tony Laverton.

Royal British Legion Westbury Branch. Cllr Braid reported he had explained the situation to the Legion, regarding storage of their various artefacts, etc.

4. **To consider tenders for the refurbishment of The Laverton and make a recommendation to Town Council.** Four firms were invited to tender, but only two responded as follows:

Emery's of Bath	£93,382.00
Beards of Swindon	£103,620.00

Plain Action was satisfied the Town Council had gone through the process, and were happy to accept two tenders. King Sturge fees will also be included. It was agreed to recommend to Town Council acceptance of the tender submitted by Emery's of Bath.

5. **To consider bringing forward the recruitment process for the Laverton Development and Marketing Officer one month earlier than previously agreed (ie to advertise in May, and appoint in July).** It was agreed to recommend to Town Council to bring forward the recruitment process for this post by one month.

6. **To consider a date for holding an 'Open Day/Weekend' to relaunch the refurbished Laverton.** The August Bank Holiday was provisionally agreed. To involve John Parker (Project Officer) for further ideas.

7. **To recommend to Town Council that the Laverton Institute Trust pays £3,144.00 to Wiltshire Environmental Trust to enable the Trust to obtain a grant for £25,354.00 from the LandfiU Community Fund (LCF).** CUr Stephen Andrews to report.
Agreed.

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D3

Issue 499 – Launch of refurbished Laverton building

WESTBURY'S historic Laverton Institute building formally re-opened last weekend as a multi-purpose venue and community centre.

The results of the extensive refurbishment programme were available for all to see at a formal launch reception on Friday 21st October, while the building was open to the public on Saturday for tours and displays.

The newly refurbished building represents the culmination of phase 2 of the Laverton project, which has involved a successful programme of grant fund raising, allowing for the recent and very substantial refurbishment and redevelopment of the main hall, meeting rooms and public spaces.

The Laverton Institute was built in 1873 by Abraham Laverton, who from humble beginnings as the ninth child of a Trowbridge handloom weaver became a mill owner, JP, and Liberal MP for Westbury. The building was one of his many philanthropic gifts to the people of Westbury.

In 2003 the town council became the sole trustees of the Laverton, and in 2008, the Laverton Project was set up by a working group of Westbury Town Council to explore how the building could be brought back into wider community use.

The project has been funded through a mixture of loans and grants totalling £150,000. The funding has enabled the building to be refurbished to a high standard for 21st century use, with the upgrading of access and toilet facilities, the provision of state-of-the-art facilities for conferences, meetings, and entertainment, the re-equipment of the kitchen, the installation of a new security system, and redecoration throughout.

The project is now looking towards phase 3, which will run from January 2012. This phase will involve the active marketing of the venue and community engagement to encourage local interest and uptake while phase 4, running from next spring, will see broad public consultation to fully explore various options for making the best use of the new facilities and further grant applications.

For information on using the Laverton please contact Keith Harvey, town clerk, Westbury Town Council, 01373 822232.

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99

ADVERTISING USEFUL NUMBERS ABOUT THE PAPER CONTACT US

D4

Issue 498 – Grand opening for refurbished Laverton building

Westbury's historic Laverton Institute building will formally re-open next weekend as a multi-purpose venue and community centre, to celebrate its extensive £200,000 refurbishment programme.

A formal launch reception will take place on the evening of Friday 21st October, to be attended by the Mayor, councillors, members of the Laverton Institute Management Trust, local community groups, service providers, regular users and funding bodies.

There will be presentations and guided tours of the building and its new facilities. Matravers School music department will perform Victorian period music. The public will have a chance to see the new-look building on Saturday 22nd October, when it will be open from 10.00am until 4.30pm. There will be opportunities to tour the totally refurbished interior rooms and main hall.

There will be also displays and presentations and members of the project team will be on hand to answer questions about the project and the recent changes.

Tony Laverton will also be on hand to talk about his new book based of the life of his famous ancestor Abraham Laverton, founder of the Laverton Institute. Signed copies of the book will be on sale and refreshments will be provided.

The newly refurbished building represents the culmination of phase 2 of the Laverton project, which has involved a successful programme of grant fund raising, allowing for the recent and very substantial refurbishment and redevelopment of the main hall, meeting rooms and public spaces.

Phase 3 will involve the active marketing of the venue and community engagement to encourage local interest and uptake while phase 4, running from next spring, will see broad public consultation to fully explore various options for making the best use of the new facilities and further grant applications.

For further information please contact:

- John Parker, project officer, Westbury Town Council, 01373 822232, 07812 105721
- Cllr Stephen Andrews, Chair of Laverton Institute Management Trust, 01373 822232
- Keith Harvey, town clerk, Westbury Town Council, 01373 822232.

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The Laverton PROJECT



The Trustees of the Laverton Institute Management Committee cordially invite you and your colleagues to

The Laverton Re-launch Event
6.30pm to 9pm, Friday 21st October
The Laverton, Bratton Road, Westbury, BA13 3EN

An opportunity to view the newly refurbished building & facilities and discover more about the Laverton Project.

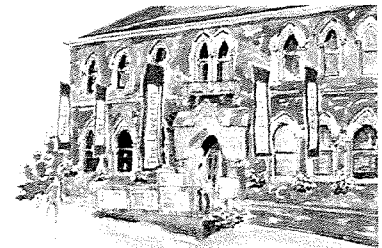
Displays • Presentations • Tours • Music • Refreshments

Please RSVP to Barbara Mantle on 01373 822232 or barbara.mantle@westburytowncouncil.co.uk by 11 October

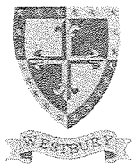


Wiltshire Council

European Agricultural Fund for Rural Development: Europe investing in rural areas.



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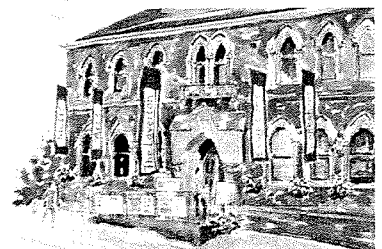
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Wiltshire Council

European Agricultural Fund for Rural Development: Europe investing in rural areas.



Names	Address (source)
Mayor	WTC
Full Council	WTC
Laverton Institute Management Trust	WTC
Town Clerk & Admin Staff	WTC
GIG membership & mailing list	Gill's database
Philip Brown	[REDACTED]
Dr Andrew Murrison MP	Constituency Office, Suite 1, Holloway Hse, Epsom Sq, White Horse Bus Pk, Trowbridge BA14 0XG
Wiltshire Council Representatives (Mike Cuthbert –Murray, Russell Hawker, David Jenkins) – contact details from WTC)	
Jane Scott, Leader, Wiltshire Council.	c/o Lynne Grant, Wiltshire Council, Bythesea Rd, Trowbridge. BA14 8JN
Andrew Kerr, CEO, Wiltshire Council	County Hall, Bythesea Rd, Trowbridge BA14 8JN
Doug Ross, Kate Oakley, Tracey Sullivan (Project Officers, TCAF)	TCAF, 10-12 Fore St, Trowbridge, Wilts, BA14 8HA
Town Clerks (Trowbridge, BOA, Warminster, Melksham)	WTC

D6

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From: STEPHEN ANDREWS [REDACTED]
Sent: 03 May 2012 09:21
To: Wiltshire, Roger
Subject: Re: FAO Councillor Andrews. Private and Confidential
Attachments: LITMC26.doc

Dear Mr Wiltshire

Thank you for your e-mail asking for information regarding the re-launch of the Laverton.

My answers are as follows:

1 Who suggested holding the re-launch? I believe this was a joint suggestion from John Parker (Project Officer) and myself. The idea being to thank all those people who had been involved with the Project and provide publicity for the Laverton.

2 Who agreed and when was it agreed to hold the re-launch? The re-launch was agreed at a meeting of the Laverton Institute Trust Management Committee held on 26th April 2011. I have attached a scanned copy of the relevant Notes of that meeting. The relevant part is Paragraph 6. You will notice that it was suggested, initially, to hold the re-launch on August Bank Holiday weekend but this date slipped, firstly into September and then into October, as the refurbishment slipped behind schedule. It was also agreed at that meeting to involve John Parker with the re-launch. Not surprising since he was our Consultant. You will also notice that the Mayor, Councillor Windess, was present at the meeting and so was aware that a re-launch was going to be planned. However Councillor Hawker did not attend the meeting and so may have missed the fact that the re-launch event had been agreed.

3 Who organised the re-launch? The initial planning and organising was done by John Parker with oversight by me. As we got closer to the date other people became involved such as Keith Harvey, the Town Clerk, although he was more concerned with the re-furbishment work, Barbara Mantle, Gill Bright and others. I have a number of e-mails from John to many other people involved including consultations with Sally Hendry, Westbury Area Board Manager, and members of the funding organisations and the Press.

4 Who funded the re-launch? The re-launch was an official Westbury Town Council event and as such was funded by the Town Council. More specifically, as I understand it, the money came from the Laverton Publicity Budget as this was considered to be an event that would also showcase the Laverton.

I hope that this answers your questions but if you require more information please let me know. As I have said I am unsure how this all relates to the complaint.

Yours sincerely

Stephen Andrews
Councillor
Westbury Town Council

From: "Wiltshire, Roger" <Roger.Wiltshire@wiltshire.gov.uk>
To: STEPHEN ANDREWS [REDACTED]
Sent: Tuesday, 1 May 2012, 16:42
Subject: FAO Councillor Andrews. Private and Confidential

Dear Councillor Andrews,

Re Code of Conduct complaint, reference WC 03/12, Councillor Hawker

I am sorry to bother you again, but I need your help with some information regarding the Laverton re-launch event.

Wiltshire, Roger

D8

From: Russell Hawker [REDACTED]
Sent: 03 May 2012 13:03
To: Wiltshire, Roger
Subject: Code of Conduct Complaint Ref: WC 03/12

Dear Mr Wiltshire

Thank you for your letter dated 26th April 2012 which asks for a copy by Friday 4th May (tomorrow) of my speech made at the re-opening event for The Laverton last October.

I confirm that my speech was written out in full by me in my handwriting earlier that evening just before the speeches were made and I then read my speech out using the same hand-written text. I had arrived at The Laverton about 2 hours before the event and realised that, contrary to expectations, no speech had been written for me by John Parker, the town councils project consultant.

I have not yet been able to find my speech papers. I recall seeing them during December when I was drafting a letter that appeared in White Horse News in early December in response to false claims by "Ian Taylor" at the town council meeting in early November which had been quoted extensively by the same paper and his letter about the same subject in the paper's issue dated 24th November 2011.

In any event:

1. I will continue looking for my speech papers and I do expect to find them eventually when I have completed a full check in all my archives.
2. I do not intend to pass a copy of my speech to you until I know what Ian Taylor - or anyone else - is claiming was in my speech.
3. I am sure that there was nothing in the speech that would breach the code of conduct. It dealt with facts and emphasised who helped to move the refurbishment project forward and it criticised two unnamed people who were councillors several years earlier when their actions severely slowed down or stopped progress with the refurbishment project. This is clearly a political matter and the speech was definitely a political one. I regret not going on to point out that these two should be ashamed of their actions. It is perfectly possible that I will be pointing this out publicly soon irrespective of this investigation, which is based entirely on false claims that pretend that what I have said or done is a breach of the code of conduct. In fact, the false allegations are entirely politically-motivated.
4. I am certain that I was acting as a councillor and conducting council business at the re-launch event.

I look forward to seeing ALL the evidence that you have collected in due course so that I can explain what it really means to you.

Please ensure that you provide me with **all** the evidence and statements that you collect as I am entitled to have access to everything and may choose to use any if it helps me to explain what has actually happened.

I require you to pass me copies of all the evidence you collect before we meet to discuss anything.

Yours sincerely

Russell Hawker

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E1

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March 29, 2012, 11:08:30 AM

Westbury Town Forums » The Westbury Boards » Westbury News & Discussion »
Topic: the laverton grand reopening

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Pages: [1]

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 Author

0 Members and 1 Guest are viewing this topic.

 Debs

Hero Member



Posts: 8565

Hugs: 68

Gender: 

Love life and life will love you back <3



 the laverton grand reopening

« on: October 12, 2011, 17:17:19 PM »

<http://www.whitehorsenews.co.uk/blog/?p=1452>

Quote

A formal launch reception will take place on the evening of Friday 21st October, to be attended by the Mayor, councillors, members of the Laverton Institute Management Trust, local community groups, service providers, regular users and funding bodies. There will be presentations and guided tours of the building and its new facilities. Matravers School music department will perform Victorian period music. The public will have a chance to see the new-look building on Saturday 22nd October, when it will be open from 10.00am until 4.30pm. There will be opportunities to tour the totally refurbished interior rooms and main hall. There will be also displays and presentations and members of the project team will be on hand to answer questions about the project and the recent changes. Tony Laverton will also be on hand to talk about his new book based of the life of his famous ancestor Abraham Laverton, founder of the Laverton Institute. Signed copies of the book will be on sale and refreshments will

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be provided.

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- Cllr Stephen Andrews, Chair of Laverton Institute Management Trust, 01373 822232
- Keith Harvey, town clerk, Westbury Town Council, 01373 822232.

that sounds like good news... i suggested this place as its local for my son and daughter in law to get married but they didnt want it because the walls were all blue 🙄 would have been ideal..but the said they wanted somewhere with a bit more neutral colours. i take it the blue is all gone now 🙄 too late for them but i wonder how many more bride n grooms to be were put off by the strong blue theme???

🔒 Logged

<http://www.facebook.com/profile.php?id=643068222>

<http://www.youtube.com/watch?v=2CLCUoUUBuk>

AI

Hero Member



Posts: 3523

Hugs: 52

Gender: ♂

All your bases are belong to us.



Re: the laverton grand reopening

« Reply #1 on: October

22, 2011, 08:13:43 AM »

<http://www.thisiswiltshire.co.uk/news/headlines/93191>

Same info, just a different source. "guided tour of the building" aka "here are the loos"? 🙄

🔒 Logged

Ride fast, take chances. Just don't blame me when you fall off.

Mike Hawkins

Hero Member



Posts: 1259

Hugs: 32




Re: the laverton grand reopening

« Reply #2 on: October

22, 2011, 16:30:50 PM »

And, officially opened, no doubt, by the new Chairman, although the previous chairman (deposed just 4 days ago) did all the hard work!!

106

 Logged

I may disagree with your views but I am NOT attacking YOU!

baldy

Hero Member



Posts: 2545

Hugs: 79

Gender: 

You can call me Clint



Re: the laverton grand reopening

« Reply #3 on: October


22, 2011, 18:04:35 PM »

The official re-opening speech was handled by the mayor with an intro by the town crier.

The new chairman of the working group focussed on thanking everyone who has helped move the project forward, starting with the recent chairman (who was not the project leader).

Thanks went also to John Parker for his high quality advice in leading the project successfully through phases 1 and 2 of the current project plan. The most difficult phase, Phase 3, is starting now and involves bringing the use of the building back up to higher levels to bring in the income needed and to bring in the community to make use of the newly updated facilities.

There was also a focus on those who did their best to kill off the project, just so that people remember who those brass-necked individuals are (given that they had the brass neck to attend the event).

« Last Edit: October 22, 2011, 18:24:25 PM by baldy »  Logged

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Mike Hawkins

Hero Member



Posts: 1259

Hugs: 32



Re: the laverton grand reopening

« Reply #4 on: October

22, 2011, 18:43:20 PM »

Quote from: baldy on October 22, 2011, 18:04:35 PM

The new chairman of the working group focussed on thanking everyone who has helped move the project forward, starting with the recent chairman (who was not the project leader).

Phase 3, is starting now and involves bringing the use of the building back up to higher levels to bring in the income needed and to bring in the community to make use of the newly updated facilities.

There was also a focus on those who did their best to kill off the project, just so that people remember who those

107


brass-necked individuals are (given that they had the brass neck to attend the event).

Thanks for this Russell, and I stand corrected!


How do you, as the new Chairman, propose to bring in the income?

Which opponents had the brass neck to attend?

I had been previously been advised that as a previous member of the Laverton Institute Committee I would be invited to the official re-launch. However, this did not happen. No matter, I just wish it every success in the future.

 Logged

I may disagree with your views but I am NOT attacking YOU!


 **baldy**

Hero Member




Posts: 2545

Hugs: 79

Gender: 

You can call me Clint



 **Re: the laverton grand reopening**

« Reply #5 on: October

22, 2011, 18:48:46 PM »

Hi Mike

I had no part in organising the invites. I think Barbara sorted this in consultation with John Parker and the previous chairman of the working group.

It would have been nice to see you there.

Bill Braid did his best to kill off the laverton project right from the start when the town council first decided to become trustee back in 2003 when he resigned mid-term as mayor as part of his stir.

Ian Taylor actually did destroy the project as chairman when he ignored the business plan adopted in 2006 and applied for the wrong grants.

Both of these two attended the celebration of the successful re-opening of the Laverton - no thanks to them.

We had to start all over again in 2008 and we brought John Parker in as project adviser / officer to lead us along.


We have a new hall manager in a post called the "Laverton Development and Marketing Manager".

She will be working with the community and

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marketing the accommodation, as well as looking for new grants for more improvement works.

I think she will do a good job, but there are some good people on the working group who know how to market and sell things should the need to do it ourselves arise

« Last Edit: October 22, 2011, 18:59:07 PM by baldy »  Logged

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 **charlie finbow**

Hero Member



Posts: 565

Hugs: 42



Re: the laverton grand reopening

« Reply #6 on: October


22, 2011, 18:49:11 PM »

I'm a brassed necked individual as I was 1 of 3 who originally stood up and said not to take it on given the disgusting threats from the then District Council and the useless District Councillors who should have declared an interest and not voted. Still, I believe in democracy and the Council ended up with it and had to make the best of a bad job.

For years (I agree Russell you had an input) it was in limbo and now thanks to the outgoing Chair, (who was in my opinion has been ousted in the same disgracefull manner as the previous town clerk) and the Project Officer it is now up and running. So what is all this "theres still lots to be done" no doubt Russell you are the man to do it, shame you didn't put yourself forward before all the grants and hard work were done.

I doubt Sir Alan Sugar will have you all as businessmen of the year.

Least I wasn't brass necked enough to attend the opening as I and others were not invited.

 Logged

 **baldy**

Hero Member



Posts: 2545

Hugs: 79



Re: the laverton grand reopening

« Reply #7 on: October

22, 2011, 18:53:18 PM »

Charlie

You never campaigned to stop the project. You simply said your piece and voted - sometimes for and sometimes against.

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Gender: ♂

You can call me Clint



You were not at the event last night, so you can't be accused of being a brassneck.

I was not asked to be chairman at any point until recently. When Ian Taylor resigned, Stephen Andrews was the only person who wanted the job and he has done a very competent job and put in some hard work, working with John Parker and the rest of the working group.

« Last Edit: October 22, 2011, 18:57:17 PM by baldy »

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charlie finbow

Hero Member



Posts: 565

Hugs: 42



Re: the laverton grand reopening

« Reply #8 on: October

22, 2011, 19:06:34 PM »

No I didnt campaign to stop the project and yes I said my piece, I voted and lost and accepted it. I just feel that the appointment of a new Chair could have been postponed for at least 7 days, that is what stinks. I have said part of me misses the Council but after the way some of you behave Im not so sure now. kind regards

Logged

baldy

Hero Member



Posts: 2545

Hugs: 79

Gender: ♂

You can call me Clint



Re: the laverton grand reopening

« Reply #9 on: October

22, 2011, 19:10:36 PM »

There are good reasons to explain why I accepted the nomination to be the current chairman of the LITMC:

Stephen had made his position as chairman untenable with his recent letters in the press smearing other councillors on an unfounded basis for political reasons that connected directly to his role as LITMC chairman. His behaviour was nothing short of scandalous ... and anyone who disagrees either fails to understand the facts or is simply politically biased to support his scandalous and highly political behaviour.

There was no way that many councillors could allow Stephen to continue in the relatively high profile role he had as if we agree with his views about other councillors and as if there was no-one else capable of performing the role of chair of the

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LITMC.


We gave Stephen an opportunity to withdraw his comments and apologise. He did not withdraw any aspect of his false claims and only tried to wriggle about on who exactly he was trying to discredit in public.

To not have acted would have been to condone his unacceptable attack on other councillors and suggest to the public that Stephen somehow has licence to say anything about other councillors as if we all agree with him.

Apart from that, Stephen has had a nice long run at the chairmanship and will get the full praise he deserves for chairing the team in a completely competent and diligent way during the period when John Parker was advising us on the way forward. Also, with John Parker leaving from April, it makes sense to bring on line and up to speed the next chairman going forward before John leaves.

I am happy to fulfil this role as I am more than entirely professionally qualified and experienced to handle or help any property management / development / marketing project.

The project will move forward without any blip at all and the really difficult phase, of bringing the improved accommodation and facilities into greater use, will now have people with a complete knowledge of the project and how to market all forms of property, at the heart of the action.

« Last Edit: October 22, 2011, 19:17:45 PM by baldy »  Logged

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baldy

Hero Member



Posts: 2545

Hugs: 79

Gender: 

You can call me Clint




Re: the laverton grand reopening

« Reply #10 on: October

22, 2011, 19:15:35 PM »

Probably because Stephen Andrews invited his neighbour and former Conservative pal along - or maybe Barbara invited all previous chairs of the working group?

« Last Edit: October 22, 2011, 19:28:39 PM by baldy »  Logged



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 **charlie finbow**

Hero Member



Posts: 565

Hugs: 42





Re: the laverton grand reopening

« Reply #11 on: October

22, 2011, 19:34:44 PM »

Russell I have no problems with you as chair, but, I do feel the timing stinks, remember credit where credit is due, you of all people should recognise that phrase. 7 days is not a lifetime is it, but its 7 days without the cameras and a contribution to the next lot of electioneering bumph, whilst behaving in a manner that seems to stitch someone up, you didn't do this on your own so those, and they and i know who they are should hang their heads. That's why I was crap at politics and a crap politician.

 Logged


 **baldy**

Hero Member



Posts: 2545

Hugs: 79

Gender: 

You can call me Clint



Re: the laverton grand reopening


« Reply #12 on: October

22, 2011, 19:41:58 PM »

Charlie

I have steered clear of cameras (except a group shot where the funders stood at the front in the centre and I hid at the back).

Also, I avoided the BBC Wiltshire interview this morning and asked John Parker to handle this.

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 **charlie finbow**

Hero Member



Posts: 565



Hugs: 42




Re: the laverton grand reopening

« Reply #13 on: October

22, 2011, 19:50:26 PM »

A perfect example of politicians not answering the question fully. Well done mate you certainly dont need a spin doctor thats for sure.  

 Logged

 **baldy**

Hero Member



112



Posts: 2545

Hugs: 79

Gender: ♂

You can call me Clint




Re: the laverton grand reopening

« Reply #14 on: October 22, 2011, 20:09:41 PM »

The full answer is in my last but two post.

I don't need any spin doctor - true - because it is always easy to tell the simple truth.

« Last Edit: October 22, 2011, 20:27:49 PM by baldy »  Logged

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F1

1st November 2011

YOU ARE HEREBY SUMMONED to attend a MEETING of WESTBURY TOWN COUNCIL to be held at THE LAVERTON, BRATTON ROAD, WESTBURY on MONDAY, 7th NOVEMBER 2011 at 7.00 pm.

Yours faithfully

Town Clerk

Public Forum

Register between 6.50 pm – 7.00 pm
Maximum input per person – Strictly 5 minutes
Forum not to exceed 30 minutes

**Petitions/Depositions to be lodged with the Town Clerk
at least five working days prior to the Meeting.**

A G E N D A

Prayers

TWO MINUTES SILENCE

In remembrance of all those persons who lost their lives during the Great War, Second World War and subsequent armed conflicts.

- 1. TO RECEIVE APOLOGIES (if any) AND REASONS FOR ABSENCE.**
- 2. DECLARATIONS OF INTEREST (if any) AND REASONS.** (Members must be diligent regarding their interests.)
- 3. MINUTES.** To approve as a correct record the Minutes of the Town Council Meeting held on the 5th September 2011 and the Extraordinary Town Council Meeting held on the 26th September 2011; copies of these Minutes have been circulated to each Member and in accordance with Standing Order No. 13(a) may be taken as read.
- 4. MATTERS ARISING FROM THESE MINUTES (if any). Note: no new decisions can be taken**
 - a. Leisure Facilities Working Group (T.2546).** Cllr D Jones to report.
 - b. Members' matters arising from these previous Minutes.**
- 5. POLICE REPORT.**

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To consider all internal audit reports, and recommend any necessary action to Town Council.

To approve the Annual Return submission to the external auditors.

10. NOTICE OF MOTION received from The Laverton Institute Trust Management Committee on 27th October 2011.

- a. The Laverton Institute Trust Management Working Group is now converted into a standing committee of the Council called the "Laverton Committee" and is to hold meetings quarterly, or when there is sufficient or urgent business, and is to comprise of five councillors, plus the Mayor and Deputy Mayor as ex-officio members, plus three non-voting seats for members of the public acting as representatives for users of the building and other parties interested in the success of The Laverton Institute Trust.

Westbury Heritage Society will be invited to appoint one representative and the other two representatives will be appointed by the membership of the Laverton General Interest Group (LGIG).

- b. To appoint members to the two vacant seats on the Laverton Committee.

11. NOTICE OF MOTION received from Cllr G King on 28th October 2011.

Council notes with concern the wealth of evidence provided by The Rural Communities Report, Wiltshire Council, the Citizens Advice Bureau, the Wessex Chambers of Commerce and others concerning the higher than average levels of economic and social isolation and exclusion caused through unemployment, debt and infirmity, that exists in Westbury. Council, therefore, welcomes the establishment of Crosspoint, a voluntary organisation sponsored by Westbury Churches Together, whose purpose is to specifically tackle this isolation and exclusion through the provision of support services via the provision of a welcome/drop in centre. Further, the Council, in recognition of the potential benefits of the welcome/drop in centre, is minded to support its continued development and viability and improving its ability to obtain external grant aid. The Council agrees to enter into a formal funding arrangement with Crosspoint totalling £30,000.00 over three years, to be paid in three separate annual amounts totalling £10,000.00 each year commencing April 2012.

12. NOTICE OF MOTION received from Cllr D Jenkins on 1st November 2011.

This motion notes that:

1. Westbury White Horse is in such a deplorable condition it looks ill and shabby. The horse is a dominant symbol, a major tourist attraction, and a feature for the town and surrounding area with strong historical importance to the community.
2. Due to English Heritage budget constraints they are arguing that there is no value in changing the situation.
3. It is deeply concerning that the horse in its present condition is affecting the image of the town and surrounding area.

4. When the horse was last cleaned English heritage did not find a lasting resilient solution.
 5. Council therefore resolves to write to English Heritage in the strongest terms stating that this is unacceptable and requires a detailed timetable, giving a restorative solution, which is truly long lasting.
13. **TV LICENCE – THE LAVERTON (T.2544).** To approve an annual direct debit payment to the TV Licensing Authority (currently £145.50). (See attached.)
 14. **FINANCE COMMITTEE.** To approve a change in date for the next meeting from Monday, 12th December to Tuesday, 13th December 2011. Clerk to report.
 15. **CLERK’S CORRESPONDENCE/MATTERS** (if any).
 16. **THE LAVERTON INSTITUTE TRUST MANAGEMENT COMMITTEE.**
Cllr R Hawker.
 17. **COMMUNICATIONS BY THE TOWN MAYOR.** To receive such communications as the Town Mayor may wish to lay before the Council.
 18. **ACCOUNTS:**

Payment of Accounts. To approve the list of payments made since the last Meeting or to be made and to confirm the action of the Chairman and one other Member in signing the necessary orders for payment, Business Pass Cash/Visa Cards (if any) transactions, and staff remunerations (Payline):-

03.10.2011	-	£80,171.45
07.11.2011	-	As presented

19. **To resolve that, in view of the confidential nature of the business about to be transacted, the public and press be temporarily excluded and instructed to withdraw.**
20. **EXTERNAL COMMUNITY NOTICEBOARD – THE LAVERTON (T.2552).**
To consider and approve one of the following quotations received to provide a lockable robust glazed notice board (size A1 – to take equivalent of 8 A4 sheets) to be positioned on the corner of the entrance railings, sitting diagonally across the front flower bed of The Laverton. To be funded through the Landfill grant:

Fine Signs (Westbury) Ltd		Details to follow
Arien Signs, Cheddar, Somerset		
860x620 mm – no header board	-	£1,350 METAL
860x620 mm – with header board	-	£1,898 METAL
Fitzpatrick Woolmer Designs, Rochester, Kent		
Cavalier Noticeboard – A1 Metal	-	£1,825
Cast Aluminium Header Board	-	£458 (optional)

WESTBURY TOWN COUNCIL

AT THE MEETING OF THE TOWN COUNCIL HELD AT THE LAVERTON,
BRATTON ROAD, WESTBURY ON MONDAY, 7th NOVEMBER 2011 AT 7.00 PM.

PRESENT: Cllr D Windess (Chairman)

Cllrs S Andrews, W Braid, M Cuthbert-Murray (left 9.40 pm),
Mrs S Ezra, R Hawker, D Jenkins (left 9.30 pm), D Jones, G King,
Mrs C Mitchell, C Pope, Mrs M Pope and W D Tout (left 9.40 pm).
Mr K Harvey, Town Clerk, and Mrs B Mantle.

Five members of the public

A two minutes silence was held in remembrance of all those persons, who lost their lives during the Great War, Second World War and subsequent armed conflicts.

T.2555 PUBLIC FORM:

Mr I Taylor:

Comments made by Cllr R Hawker at the Launch of the refurbished Laverton,

Dr P Biggs:

- Launch of the refurbished Laverton.
- Recently published book on Abraham Laverton by Tony Laverton - request for information on the number of copies sold.
- Traffic Orders – request for information on when the double yellow lines are to be painted.
- Request for further information on the possible closure of Westbury Swimming Pool and Leighton Sports Centre.
- New retail businesses – further request for Town Council to advise potential traders on the likely success of their proposed enterprise.

In reply, Cllr Jenkins advised a sound business plan, and to seek advice from a professional organisation whether for a new business or an established one.

Mr J Clegg:

- Mr Clegg congratulated Cllr Windess on his work for his charities.
- Statement from Westbury Town Council in the 15th September 2011 edition of the White Horse News.
- Dismissal of Cllr S Andrews as Chairman of the Laverton Institute Trust Management Committee.

In reply, Cllr Hawker stated he stood by all he had said against Mr I Taylor and Mr J Clegg.

T.2556 ACCEPTANCE OF APOLOGIES AND REASONS FOR ABSENCE:

Cllr Mrs D O'Hara	-	Personal
Cllr S Miles	-	Personal
Cllr F Morland	-	Clash of meetings

Contd.....

Bobby Van Talk. To be held at the Scout Hut, Meadow Lane, Westbury, on 10th November. Advice will be given on improving security of domestic premises occupied by the elderly, vulnerable or disadvantaged to prevent burglary, hate crime and domestic abuse; reducing incidence of repeat burglary and re-victimisation; promoting awareness of fire safety, detection and prevention; and offering reassurance and advice on crime reduction, and sign-posting other agencies that may be of assistance to clients' particular needs.

Property Marking. There have been a number of successful property marking evenings held in the High Street. The NPT has marked property as well as given advice on ensuring that property is marked using approved methods such as DNA/Forensic marking.

Non Emergency Number. The new number is **101** and all calls cost 15p regardless of the duration of the call.

Cllr Cuthbert-Murray raised concerns regarding the efficacy of the town's CCTV cameras. Cllr Hawker agreed the resolution of the cameras was not good. He considered the current system will need to be upgraded over the coming years. Cllr Jenkins reported on the increase in shoplifting, which he will bring to the attention of the Westbury Police.

T.2561

WILTSHIRE COUNCILLORS' REPORTS.

- **Laverton Launch.** WCllr Jenkins congratulated all those involved with the refurbishment of The Laverton Hall, and the recent Launch evening. He thanked Cllr Andrews for all his hard work on the successful refurbishment of The Laverton.
- **Westbury Campus.** Cllr Jenkins stated the Council still has a great deal of work to do. A start has been made, but the Council needs to develop it further. Cllr Hawker urged the Council to press Wiltshire Council for information on when they will cease to run the swimming pool and sports centre, and to ascertain whether there are any organisations in the town prepared to take these facilities over.
- **Car Parking.** Cllr Jenkins reported on the adverse effects the new car parking charges are having on the town centre with shoppers taking their business elsewhere. He feels Westbury is being squeezed by its larger neighbours, and a request to Wiltshire Council to reband the town was refused.

T.2562

MINUTES OF COMMITTEES. The following Minutes were received and noted:

Finance Committee	-	18.07.2011
Finance Committee	-	12.09.2011
Highways, Planning & Development Committee	-	19.09.2011
Highways, Planning & Development Committee	-	17.10.2011
General Purposes Committee	-	03.10.2011

Contd.....

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T.2565

NOTICE OF MOTION received from The Laverton Institute Trust Management Committee (LITMC) on 27th October 2011.

- a. The Laverton Institute Trust Management Working Group is now converted into a standing committee of the Council called the "Laverton Committee" and is to hold meetings quarterly, or when there is sufficient or urgent business, and is to comprise of five councillors, plus the Mayor and Deputy Mayor as ex-officio members, plus three non-voting seats for members of the public acting as representatives for users of the building and other parties interested in the success of The Laverton Institute Trust.

Westbury Heritage Society will be invited to appoint one representative and the other two representatives will be appointed by the membership of the Laverton General Interest Group (LGIG).

- b. To appoint members to the two vacant seats on the Laverton Committee.

Cllr Andrews proposed an amendment in that 10.a. of the motion be split into two parts: the first dealing with the issue of whether the status of the LITMC is converted from a working group to a standing committee, and the second dealing with its composition.

The amendment was approved.

Cllr Andrews then moved:

- a. That the Laverton Institute Trust Management Committee retains its status as a working group.

Cllr Hawker voted against the first part of the motion.

- b. That the composition of the Laverton Institute Trust Management Committee be as follows:

Mayor and Deputy Mayor
Five town councillors
Three non-voting members of the public

The motion was approved.

- c. It was proposed to appoint Cllrs W Braid and C Pope to the two vacant seats on the LITMC.

Approved.

This proposal is referred to the Tourism Working Group with a view to taking up the matter with English Heritage to find out what the options are and report back to Town Council.

The amendment was agreed and became the substantive motion, which was approved.

T.2568 TV LICENCE – THE LAVERTON (T.2544). An annual direct debit payment to the TV Licensing Authority (currently £145.50) was approved.

T.2569 FINANCE COMMITTEE. It was agreed to change the date of the next Finance Committee from Monday, 12th December to Tuesday, 13th December 2011.

T.2570 CLERK'S CORRESPONDENCE/MATTERS:

- a. Westbury Heritage Society – letter of thanks for the Town Council's grant of £7,000.00.
- b. Copy of letter from a resident to Wiltshire Council complaining about obstruction of Snappersnipes by vehicles associated with The Laverton, and suggesting double yellow lines.
- c. Delegation of Services. The Clerk reported on an initial discussion with Wiltshire Council officers. To report further to the Delegation of Services Working Group.

T.2571 THE LAVERTON INSTITUTE TRUST MANAGEMENT COMMITTEE. Cllr Hawker reported on the Launch Ceremony following the refurbishment of The Laverton. He apologised for not thanking the funders at the Launch, but will ensure that appropriate letters of thanks will be sent and signed by the Mayor.

T.2572 COMMUNICATIONS BY THE TOWN MAYOR. The mayor reported he had attended the following on behalf of the Town Council:

Official Opening – C S Bowyer, Funeral Directors
Official Opening of the Westbury Music & Arts Festival
Print Preview – Chantry Court
21st Anniversary Variety Show, Athenaeum Theatre, Warminster
Civic Service – Wootten Bassett
District Service – Lions Club International
Relate AGM
The Laverton Launch and Open Day
Sight Awareness – Blindfolded Tour
Abseil for Diabetes UK
Funeral of Mr John Braidford
Calne Community Showcase & Film Festival

WTC Meeting Nov. 2011

Mr Mayor, councillors.

F3

For those of you who don't me or recognise the name, I'm Ian Taylor. I managed the Laverton HLF and BLF bids in 2006 and 2007 and, as a councillor, chaired the Laverton Management Institute Trust Committee from June 2007 until March 2009.

I've come along this evening to rebut the statements Russell made about me a couple of weeks ago at the re-opening of the Hall.

Obviously, I found his remarks offensive and unnecessary. I thought his behaviour was inappropriate and loutish. Unfortunately that's nothing new.

More importantly, his remarks were untrue as your own eyes will testify if you look around you. This looks to me renovated and seems assuredly the home of Westbury Town Council.

I've brought along a little dossier this evening, summarising my recollection of what actually happened about the HLF and BLF bids and, separately, what happened when I chaired The Laverton.

They're just single sheets of A4 with some attachments – not a difficult read.

Anyone interested in the facts of that period of the Hall's history will find the dossier informative. I've given a copy to the Town Clerk and to the White Horse News and the Wiltshire Times.

If anyone else would like a copy please contact me by email.

If you don't have my email address the council officers will be able to provide it.

Just before I close I'd like Russell to reflect on his conduct towards me.

I truly do not understand why he attacks me.

It's quite evident that, at the very least I've done the Laverton no harm.

Perhaps somehow he's frightened by me, possibly envious of me – I've certainly got more hair than he has.

I'm an old man and I'm in poor health. I've had no connection whatever with local politics for at least two and a half years.

I never write to the press or the town forums. Before tonight I have never spoken about him in public.

I would very much like Russell to desist from attacking me, causing offence to me, my family and my friends.

Thanks for your time and good evening.

The HLF and BLF bids

In September 2006 WTC signed off a 5 year business plan for the hall. The plan proposed a major refurbishment project which encompassed all outstanding repair & maintenance work. 70% of the project funding was to come from a Heritage Lottery Fund Grant.

On the 1st November 2006 the Committee asked me to coordinate a bid to the Heritage Lottery Fund to be submitted, considered and if possible, granted by end April 2007. Using the Business Plan, see excerpt at **Attachment 1**, I submitted a pre-application to the Fund, see **Attachment 2**, on 12th November. We received their belated response on 5th January saying we should apply to the Big Lottery Fund Community Buildings Programme, see **Attachment 3**.

We submitted a bid to the BLF shortly before the end of April and before the May election of a new Council.

Between November 2006 and April 2007 Russell Hawker, who was a member of the LTIMC, contributed nothing to either bid.

Introduction, paragraph 5

The LTMC has assessed options for the future maintenance, operation and management of the building. The main proposal is a **major comprehensive refurbishment project in 2007/8** making use of expected grant funding from several sources, but particularly the Heritage Lottery Fund (HLF). The HLF has sent a letter encouraging The Laverton Institute to work in partnership with Westbury Heritage Society to help tell the story about the importance of the heritage of the building. This is necessary to qualify for HLF grant funding.

3.3 Proposed Refurbishment Project

King Sturge prepared a Schedule of Works to undertake all outstanding works arising from the condition survey report, except for the heating system. In addition, the Schedule of Works included:

- a) Installation of a "Companion Prestige" (disabled) platform lift within a new lift shaft;
- b) Refurbishment of the Ladies WCs to provide two modern WCs and hand basins with baby-change and a separate Unisex disabled WC;
- c) Refurbishment of the Gents toilets to provide two modern WCs with hand basins and three modern individual urinals;
- d) Refurbishment of the Ground Floor Entrance Hall and Stairway area.

The heating system was originally left out on the basis that the existing system, albeit somewhat inefficient, could last another five years and another project could be undertaken later for a new heating system. The idea was to ensure an affordable initial refurbishment project.

King Sturge obtained three formal tenders for the works from reputable building contractors in February 2005. Although all three tenders were quite similar, the two lower tenders came out at very similar figures after adjustments for minor errors

The highest tender was £223,665.00 plus VAT. King Sturge recommended the adjusted tender of **£190,120.94** plus VAT as the most competitive tender received.

Drawings have been prepared and Listed Building Consent has been obtained for all the proposed works.

During 2005 and most of 2006, LTMC has explored opportunities for grants. At the same time, it was considered that the original idea for the refurbishment was inadequate and that it would now be better to aim for **one comprehensive refurbishment project in 2007/8** which would now also include the following works:

- e) Refurbished Kitchen (including upgrading of equipment to modern standards);
- f) Refurbishment of Bar Room;
- g) Refurbishment of Lounge / Meeting Room;
- h) Refurbishment of the Dressing Room;
- i) Refurbishment of the Main Hall (mainly redecorating);
- j) Refurbishment of the Reading Room (as the Hall Manager's Office);
- k) Refurbishment of the Lower Hall (currently the Snooker Hall);
- l) Installation of new modern central heating boiler and new pipe work and radiators throughout.

None of the proposed works involves creating new accommodation or new facilities. It is all intended to bring existing accommodation back into good condition at an acceptable modern standard, so that the facilities are widely attractive to the public.

King Sturge have prepared an Outline Schedule of Works for the above items e – k.

LTMC proposes to now proceed to obtain fresh tenders for all the works in one go. This entails the outstanding maintenance and repair works (from the Condition Survey Report) and all works listed above from a – 1 inclusive.

For budget purposes in this business plan, the following estimates have been made:

Original February 2005 best tender £190,120.94 now say, £ 210,000

Pre-tender estimates for works e – 1 listed above £ 121,000

Professional Fees and contingencies £ 19,000

Total Estimated Cost of Refurbishment Project £ 350,000 plus VAT.

Chairmanship, LITMC June 2007 – March 2009

I was elected to WTC in May 2007 and as Chair of the LITMC in June. I immediately put in place the following:

1. I invited Peter Ezra, who opposed the council's trusteeship of the Hall to join the committee and its Project Group.
2. I persuaded the Project Group (see **Attachment 1**) to address the following contentious issues:
 1. Dissolution of the Trust & Hall disposal process (Peter Ezra)
 2. Additional/alternative sources of funding (Russell Hawker but see **Attachment 2**)
 3. Future management organisation (Horace Prickett)

I reviewed the Hall's finances and recommended to WTC Management Committee that we make the hall manager and her assistant redundant, see **Attachment 3**.

Peter Ezra identified and described the steps necessary if WTC determined to dispose of the Trust. Russell produced nothing. Horace Prickett and I developed an options paper to put before the WTC outlining alternative ways forward for the Hall.

In September Russell went ballistic, see **Attachment 4**.

In November 2007 we held an extraordinary meeting of the WTC to examine and agree on a way forward for the Hall, see **Attachment 5**. The council voted, as recommended by the LITMC, to agree to option 4 and to continue to be the Trustee. Also in November 2007 we received advice from Stone King solicitors in reference to termination of the snooker club tenancy, see **Attachment 6**.

Throughout 2008 the LITMC focussed on:

1. Resolving the snooker club issue
2. Identifying short-term hall repair and maintenance needs (Wind & Water-proofing)
3. Exploring with John Parker ways and means of achieving Hall renovation
4. Stabilising the financial relationship between the Trust and the WTC

By July John Parker had begun work re renovation needs/funding sources and we resolved to remove the snooker club and use the space for new WTC accommodation, see **Attachment 7**. A new future management structure was devised for discussion, see **Attachment 8**.

By November much progress had been achieved, see Attachment 9. I continued in the chair until March 31st 2009 when I resigned due to ill health.

LITMC Chair report to WTC 29th June 2007

BLF Application (copy available in Clerk's office)
Stage One bid decision expected mid-September

Project group tasks begun (results to be ready for LITMC use by October)
Dissolution & disposal process (PE)
Additional/alternative sources of funding (RH)
Future management organisation (HP)

Nothing further to report

9th June 2007 Email to me from Russell

This is a very difficult time for me to get anything done quickly, which is the only reason I did not put myself forward for chairman of the Laverton committee. As you know, I see you as the best alternative (once you get up to speed I think you will be excellent).

Attachment 2

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STRICTLY CONFIDENTIAL

29th June 2007

To Messrs

C Finbow, Mayor, WTC
M Hawkins, Deputy Mayor, WTC
D Hulin, Chair, HPD Committee, WTC
H Prickett, Chair, GP Committee, WTC

cc Les Fry, Town Clerk and RFO, WTC

Laverton Institute

As the recently elected Chair of the LITMC I have reviewed the Trust's current status and in particular its financial position. I now believe that position can radically be improved.

Given that their current and foreseeable activities have a negligible effect on the Hall's income I have concluded the continued employment of Helen McKinnon and Peter Ferguson is not in the best interests of the Charity nor a prudent use of WTC resources. They should be made redundant forthwith.

Without Helen and Peters costs, as the attached spreadsheet shows, the Charity and the Council could be expected to achieve a sustainable medium-term financial relationship. From that base-line the Hall's long-term viability, arising from refurbishment, and its subsequent fitness for purpose and marketability becomes at least possible.

For those reasons I ask you to consider and act on my recommendation as soon as possible.

Yours faithfully

Ian Taylor
Member, Westbury Town Council and Chair, LITMC

Attachment 3

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Emails from Russell to everyone

25th September

It is my contention that Ian has systematically destroyed the project, as fully described in the current adopted business plan, through misleading the "committee" about what he can do for the committee, which is what he was co-opted to do in the first place last Autumn.

It is abundantly clear that Ian has misled the committee and council on numerous significant issues about the credibility of the project (as set out in the current business plan). At this stage, I am not saying that Ian has deliberately set out to mislead or destroy progress. I am open to the idea that Ian simply never understood what he was doing properly enough and is now simply acting in response to what he sees as everyone else's failings.

I am setting this out in writing so that my position is clear and recorded.

I will be campaigning to save The Laverton from the likes of Ian and you can expect a well-written report from me in response to the options report when it comes out.

8th October

Ian Taylor should be removed from the Laverton working group due to the incredible damage he has caused to the project, involving clear loss of reputation with key funding sources, as a direct result of his incompetent and reckless approach to the job required to secure crucial funding.

It is incredible that Ian Taylor actually has not the slightest embarrassment at the colossal damage and display of incompetence he has shown after he himself offered to project manage the job of obtaining funding last Autumn despite knowing nothing about the project.

Ian Taylor is not fit to act as a spokesperson for the project team, not least because of his vested interest in covering up the damage he has himself caused to the project.

I am more qualified to handle the project than everyone else in the council put together.

Attachment 4 page 1 of 2

Later on 8th October

As far as I am concerned, I am still the person who most understands the project properly.

13th October

I am reminded of when Ian Taylor joined the working group to handle the funding application last Autumn. I am told that instead actually getting on with the job, he simply went into a robotic re-organisation and over-administered the job by breaking things up into groups with jobs given to each member of the whole working group. Apparently, this failed to produce any result at all. Not a surprise to me, but it seems that the lesson was not learnt.

We need to root out the main source of ineptitude in this project as soon as possible.

Report to Westbury Town Council concerning the Laverton Hall
November 2007

Introduction

The Laverton Business Plan was signed off by WTC in September 2006. The Plan commits WTC to substantial funding support for the Hall until lottery-funded grants enable major refurbishment including required repair and maintenance. It was intended that such works would lead to substantial improvement of the Hall's rental income and eventual financial viability. However an application to the Big Lottery Fund (BLF) has been rejected (see Appendix 1).

Given the above, WTC is asked to review the Hall's current status and direct the LITMC on a course of action. The following proposes a decision needed now and options for the Laverton's long term disposition.

Decision needed now

- 1. Stay as is re staff and Snooker Club, abandon refurbishment project (see Appendix 2)**
- 2. Stay as is re staff and Snooker Club, find funding for refurbishment project (see Appendix 2)**
- 3. Reduce costs, increase revenue, abandon refurbishment project (see Appendices 3 and 4)**
- 4. Reduce costs, increase revenue, find funding for refurbishment project (see Appendices 3 and 4)**

Long-term options

WTC remains Trustee, accepts need for long-term subsidy of Hall
Transfer Hall to new Trustee
Sell Hall, wind up Trust

Issues

Funding of required Repair and Maintenance (see Full Survey and Business Plan)
Terms offered by WTC to any new Trustee
Conditions of Sale if Hall put on the market (see Appendix 5)
Use of proceeds arising from sale of Hall
Possible WTC move from the Hall
Possible purchase of the Hall by WTC

Potential opportunity

Leigh Pickering, landlord of Horse & Groom Public House, has substantial experience of providing bar facilities for Laverton Hall social events. He has proposed, in principle, an agreement whereby he would market, manage and run all social events at the Hall without a fee in exchange for the opportunity to earn profit from the revenues generated by events undertaken.

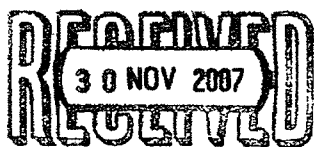
APPENDICES

- 3. HLF Pre-application and emailed rejection, BLF application response**
- 4. Financial Forecast – Stay as is re staff and Snooker Club**
- 5. Financial Forecast – Reduce costs, increase revenue**
- 6. Stone King advice re Snooker Club**
- 7. King Sturge advice re sale of Hall**

Strictly Private & Confidential

Leslie Fry
Town Clerk
Westbury Town Council
The Laverton
Bratton Road
Westbury
Wiltshire
BA13 3EN

Our Ref : NW/MGB/jbd/58911/1
Ext. No : 202
Direct Dial : 01225 324481
E mail : mgb@stoneking.co.uk
Your Ref :
Date : 29 November 2007



Dear Les

The Laverton Institute Snooker Club ("the Snooker Club")

It was good to meet you and Mr Taylor today. As you know this matter has been going on for a long period of time so I felt it would be useful to draw together previous advice along with points that arose out of our meeting today. This will enable us to have a clear idea of where we are heading and the action agreed to move this matter forward.

At present the Snooker Club is holding over pursuant to the lease entered into on 18th May 1993. The current rent that is paid by the Snooker Club is well below what is considered a true commercial rent which I understand is between £8,500 to £10,000 (on the advice of Sandoes Chartered Surveyors back in January 2007).

Termination

For ease of reference I enclose letters dated 1st April 2004, 24th August 2004 and 24th September 2007 which set out the steps required to terminate the lease in detail. To sum up, in order to terminate the lease (whether the Council oppose a new Lease or not) a formal prescribed form of Notice must be served on the Snooker Club giving not less than 6 months notice prior to a date of termination. If a new tenancy is to be unopposed we will have to serve a s.25 Notice setting out the Heads of Terms of the new Lease (with revised term/rental etc) and state that you are not opposed to a new lease. If you wish to oppose a new lease, again we would have to serve a s.25 Notice setting out the grounds on which we oppose the Lease (please see letter of 24th September setting out s.30 Landlord & Tenant Act 1954 in more detail).

It appears that ground under s.30(f) 'that the Landlord intends to demolish or reconstruct the premises, or a substantial part of those premises and cannot reasonably do so without obtaining possession of the holding' would be most appropriate in the circumstances if you were to oppose a new Lease. However, as stated previously (see letter of 24th August 2004) to do this the intention must be genuine, firm and settled, therefore it would be prudent to have all the necessary plans, specification, drawings and finance in place.

**Stone King LLP**

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BA1 2HJ
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F: 01225 335437
DX 8001 Bath

Also at:

28 Ely Place
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Wellington House
East Road
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www.stoneking.co

Laverton Report July 2008

Heritage Lottery Fund bid

John Parker, WTC Project Manager has produced an interim report which has been discussed by the working group. We will meet with John in the near future to discuss next steps.

Question & Answer Session 29th May

See Report attached

Snooker Club – planning application for change of use

An application for listed building consent has been submitted to WWDC

Hirings update

The Hall has been very busy due to the Bypass Enquiry. Given that this overlaps with the Street Fayre and the Hall's use by other hirers, the additional workload on the Town Clerk and his staff has been very considerable and is much appreciated. As agreed, a detailed report on hirings will be produced for Council in October.

'Wind & Waterproof' evaluation and cost estimate

See the Question & Answer Report, paragraph 4. It was agreed this should be commissioned as soon as possible.

Approach to a 'normal' Trust/MC structure July 2008

Target

Trustee

Committee - RFO, representative Councillor, Chair of LITMC, co-opted other/s if needed, eg Heritage expert

Responsibilities - RFO co-signs payments made by Trust from Trust funds together with Chair, LITMC; Committee sets policy, e.g guidance on grants made by Trust; agrees Trust financial management and budget, hiring and firing of staff, major works; manages relationship between Trust and WTC.

LITMC

Committee – Chair, Secretary, Treasurer, Booking Clerk, Caretaker, representative Councillor, volunteers

Responsibilities – Day-to-day running of Hall including bookings, accounts, cleaning, repair & maintenance, minor works, Hall tariffs, funding operations e.g HLF

Process

Outline agreement between RFO and IT

Agreement, sign-off by LITMC

Agreement by WTC

Set up financials

Co-opt future Chair, assign other 'officer' roles, recruit volunteers

Adopt new structure

Laverton Report November 2008

a) Possible future development of the Hall - John Parker's Report

John has done an excellent job and we support the positive way forward he proposes. It should be noted that the cost of the activities for which approval is requested are modest and included in the 2009/10 budget proposed below. The committee commends the Report to the Council.

b) Conversion of Snooker Club space into office accommodation for WTC's own use

Following the granting of planning permission, the Committee recommends the Snooker Club's lease be terminated and the proposed work be undertaken as soon as possible. The space currently occupied by the Council is inadequate for its purpose and some portion of the increased capacity will be occupied as soon as it is available; the remainder will be put to either Council or community hire use. It should be noted that the additional cost in Council rent proposed in the 2009/10 budget for this extra capacity is fully off-set by an equivalent reduction in the Council Grant requested, compared to previous years. The Committee ask the Council to approve this recommendation.

c) Laverton Budget

In 2007/8 the Laverton cost £61,000, over-spending an approved budget of £52,000. Hall Hiring income and Snooker Club rent raised about £10,000. The remaining £51,000 was supplied by the WWDC (£10k) and Westbury Council.

Also in 2007/8 the Council agreed to make redundant the two staff members who managed the Hall. It also agreed in principle to termination of the Snooker Club lease and approved the un-supervised use of the Hall by suitable Hirers. These actions are having a profound effect on the Hall's current and future finances.

This year, 2008/9, the budget is £38,275, a reduction of almost £14,000 from last year's budget. Given £25,000 from the Council and over £5,000 from WWDC, together with Hall Hirings to date, including the Public Enquiry, and committed bookings to March 2009, we expect to stay within this planned expenditure. This year has been exceptionally costly. Utility costs have rocketed, and provision for legal costs and repair and maintenance account for almost half the total budget; both these items are reduced to more normal levels in the proposed 2009/10 budget.

Our proposed 2009/10 expenditure is just under £31,000, a reduction from this year of more than £7,000 and half the spend in 2007/8. Given our projected income from this year's Hall Hirings, a target for 2009/10 of £6,000 seems achievable. We propose the remaining £25,000 costs are met by the Council but that, rather than paying £10,000 in rent, utilities, cleaning and use of this Hall and a Grant of £15,000, the distribution should be in the form of £20,000 for the entire ground floor plus a Grant of £5,000. Note that prior to this year the Laverton has cost WWDC and the Council an average of £42,000 per annum since we took on the Trusteeship.

This new funding arrangement is intended to achieve a sound basis for the Laverton's finances in the future. The cost to the Council is in my view the minimum that is prudent whilst yielding the best value possible. It provides the opportunity for the Trust to increase Hall Hirings and thereby to reduce, then eliminate the need for a Grant. If in future the Council decides to invest in the development of the Hall, say by the installation of a lift or by pursuing the possibilities outlined in John Parker's report then so be it. Nothing that the Council is being asked to commit to tonight prevents these options, nor does it require their undertaking. I commend the proposed budget to the Council.

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LETTERS TO THE EDITOR

Congratulations on 500 editions!

Dear Sir,
 Many congratulations to you all on the 500th edition, and many thanks for your service to the people of the town over the years. On many occasions I have had the pleasure of meeting Ian and Sue, and the reporters/photographers who have covered town events, and had to speak to your office staff. It was always a pleasure. I look forward to reading the next 500 editions! Mike Hawkins (former Mayor and Councillor)

Future of the Laverton Committee

Dear Sir,
 At the last Town council meeting, Russell Hawker (I am more qualified to handle the project than everyone else in the council put together, 8/8/07) proposed the Laverton Committee be made a standing committee of the full council. He didn't really put his heart into it. His two closest supporters were absent; a circumstance he probably didn't anticipate when he put the item on the agenda. The motion was defeated, but watch this space; he'll be back.

If Russell gets his way he will, as chair of The Laverton, become a member of the Council management committee (currently present at the mayor, deputy mayor and chairs of the General Pur-

FROM THE

NEWS FROM WESTMINSTER

By Dr Andrew Murrison MP

I ATTENDED the two minutes' silence on Armistice Day in Westbury, a remembrance service at Imber on Saturday and Remembrance Sunday services in Trowbridge and Warmminster.

It seems to me that every year the number of people turning out to pay their respects increases and I am heartened by it. My fear is that when, as we very much hope it will, the tempo of operations reduces in the years ahead and we no longer see nightly on our TV screens accounts of our men and women in action, we will neglect to honour people in the way that we have rediscovered since 2003.

Elizabeth's great statesman William Cecil observed that soldiers in

peace are like chimneys in summer. I'm not sure if he was being cynical or rueful but the truth is that warriors and the obligation we owe them tend to be forgotten when the shooting stops.

James Murdoch had another light toasting at the hands of the Commons media select committee. The Labour MP Tom Wat-

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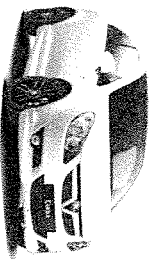
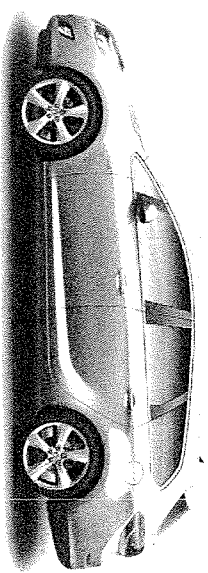
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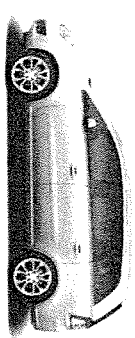
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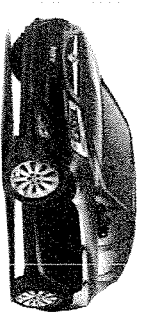
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Church Lane
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Wiltshire
BA13 3TR
01373 822659

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The Editor
White Horse News

12th November 2011

Dear Sir,

At the last Town Council meeting, Russell Hawker (*I am more qualified to handle the project than everyone else in the council put together. 8/8/07*) proposed the Laverton Committee be made a standing committee of the full Council. He didn't really put his heart into it. His two closest supporters were absent; a circumstance he probably didn't anticipate when he put the item on the agenda. The motion was defeated, but watch this space; he'll be back.

If Russell gets his way he will, as chair of The Laverton become a member of the Council management committee (comprised at present of the mayor, deputy mayor and chairs of the General Purposes and Highways, Planning and Development committees) notwithstanding running The Laverton is not a function of Local Government.

Why should Russell want to join this group? Well, the Council management committee may make binding council decisions without prior approval of the full Council (see Standing Orders) and being part of this committee would embed the Trust and therefore Our Great Chairman as key features of our Town Council hereafter.

It's easy to see why this would be good for Russell. It's more difficult to see why it would be good for the rest of us. Interesting, don't you think?

Ian Taylor

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Conduct of new Laverton chairman comes under fire

THE new chair of the Laverton Institute Trust Management Committee, Russell Hawker, has come under fire for his criticism of the performance of a past committee chair.

At the meeting of Westbury Town Council on Monday 7th November, Ian Taylor, a former chair of the Laverton Institute Trust Management Committee, spoke to rebut the statements Russell Hawker made during the re-opening of the hall.

Ian Taylor was chair from June 2007 until he resigned due to ill health in March 2009.

Ian Taylor told the town council, "Obviously, I

found his remarks offensive and unnecessary. I thought his behaviour was inappropriate and loutish. Unfortunately that's nothing new. More importantly, his remarks were untrue.

"I truly do not understand why he attacks me. It's quite evident that, at the very least I've done the Laverton no harm.

"I would very much like Russell to desist from attacking me, causing offence to me, my family and my friends."

Ian Taylor presented the town council with a dossier of his recollection of the Heritage Lottery Fund and Big Lottery Fund Community Buildings Programme bids in 2006 and 2007.

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Russell Hawker replies...

Dear Sir

John Clegg's latest political comments, as quoted in your article headed "Former mayor tells councillors to put their house in order" (p.11 24/11/11), deserve a full response because they are largely untrue and/or misleading.

John describes the statement (p.28 15/9/11) issued by the town council in response to misleading comments made by him and other Conservatives in the local press as an "attack" yet it was simply the council's factual defence against their unjustified and untrue attacks in the first place. He should know that winning a vote by a narrow majority - or when large numbers of councillors abstain from voting on a purely political matter such as this - is nothing new or unusual.

John claims that the statement was also an attack on Wiltshire Council and might alienate the town council from the county council. There is no "county council". Wiltshire Council is a new unitary council. Also, the Conservative cabinet at County Hall is doing a fine job of alienating the town council with their high-handed approach to imposing higher town centre car parking charges, refusing to allow the town council to subsidise more than a small number of spaces and ignoring the comments of nearly every town council and all the businesses in the county who responded to the lengthy so-called consultation last year. The reality is that all three of Westbury's Wiltshire Councillors are not Conservative and work with unitary council officers directly or through the area board system to try to resolve issues.

John claims that the statement "criticises two of its own members for moving out of Westbury for business reasons". Actually, it did not. It criticised the local Conservative party for the fact that their councillors keep leaving the town council and causing by-elections and because the two recently-elected Conservative councillors have already left the town to "live" in Warminster.

John claims that he knows that the issues that led to Cllr Stephen Andrews being replaced as chairman of the Laverton committee recently did not take place just before the re-opening ceremony. But the key issues did occur in the weeks leading up to the re-opening event. The reality is that Stephen was asked to withdraw his false claims about other councillors at the first meeting of the Laverton committee after he made them. Unfortunately, he then failed to withdraw his false claims by the time of the next committee meeting and by then the re-opening event was only 2 weeks away. Stephen

brought what happened onto himself by making his position untenable to those who had elected him to his position as chairman of a committee and who were also entitled to remove him at any time.

John Clegg suggests that Stephen Andrews had earned the right "to be the one conducting the opening ceremony and be in the smiling group photograph" as if someone had been "spiteful" and improperly stopped Stephen from exercising his due rights. The truth is that the Mayor was always going to be the one rightfully conducting the ceremony and Stephen resigned off the committee and stayed away from the re-opening event.

Perhaps the most bizarre aspect of John's claims was his mention of his judicial tribunal hearing in 2006 when he was formally found to be in breach of the councillor's code of conduct. It is important to appreciate that John himself has raised this subject and claims that "there was a technical breach and the chairman [of the tribunal panel] stated that on two occasions [he] had voted against [his] own interests", as if he barely did anything wrong at all. The really relevant facts are that John was found to be in breach on more than ten occasions for failing to declare a variety of prejudicial interests. This is still a record in Wiltshire.

Dear Sir

Ian Taylor's recent political outbursts, as contained in his letter (24/11/11) and the article headed "Conduct of new Laverton chairman comes under fire" (p.11 24/11/11), deserve a response because they are entirely untrue and/or juvenile nonsense. It is important to appreciate that Ian's claims, as an ex-town councillor and ex-chair of the Laverton committee, are simply his angry response to my comments at the recent Laverton re-opening event.

I entirely stand by what I said because it is all absolutely true and deserved to be said in the interest of setting the record straight, particularly given that the Conservative party keeps misleadingly claiming credit for any success during council elections without mentioning that two of their own councillors (at the time) also caused much of the problems.

Ian mentions that he was chair from June 2007 to March 2009. Just as relevant though, is the fact that he was co-opted to the committee in September 2006 - ie. before he became a town councillor in May 2007 - specifically because he had claimed to be the right person to apply for and obtain grants for the project. As a long-standing general practice commercial property chartered surveyor with a string of relevant graduate and post-graduate

professional qualifications and experience and who had spent much of the previous year researching grants and writing the new business plan that was unanimously adopted by the council in September 2006, I formally objected to his involvement at the time on the basis that he was simply not qualified or experienced in any properly recognisable way to handle the complexities of the project and he would take far too long to absorb the necessary details, if ever.

My concerns about Ian's claimed ability were proven correct when he bungled the application to the Heritage Lottery Fund (by ignoring the need to stress the full heritage aspects of the building and our intended project - as written in the business plan - and as previously set out when I had written to HLF and they had responded positively) and then bungled his Big Lottery Fund application as well after wasting two years.

The Big Lottery Fund actually wrote back saying that the forms were incorrectly filled in and that the project would not qualify anyway as the project was not providing a new building or community centre. The outcome of Ian's involvement in the project could not have been worse, not least because when he resigned as chairman and councillor he had effectively closed the hall for public hire and the funding available from the HLF was by then much less and more difficult to obtain.

In his letter, he talks about a recent town council decision not to convert the Laverton Committee into a "standing committee" of the council as if this was my idea and grand plan for my political career. This is complete nonsense; the change would have been irrelevant to me personally. When Stephen Andrews resigned as chair and off the committee he had already put down the proposal as an item for discussion by the committee. The committee then unanimously agreed to put the idea to the full council meeting, but by then pure politics led to a change of heart by several councillors who had previously supported the idea.

Ian talks pure nonsense about a "Management Committee" that he thinks I would want to join if I had become chair of a standing committee. But there is no such "committee" and it is not mentioned in the council's standing orders. It exists as a "Management Team" of several councillors who simply work with the clerk and Mayor on the efficient internal working of the council offices. It has no power beyond those already held by the clerk. Actually, I regard it as irrelevant when we have a strong and capable clerk.

Russell Hawker,
Westbury Town Councillor

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From: STEPHEN ANDREWS
To: Wiltshire, Roger
Subject: Private and Confidential
Date: 29 June 2012 11:27:54

Dear Roger

Many apologies for not responding to your e-mail sooner but I have been on holiday.

You asked who would have put the item on the agenda for the LITMC at the meeting of the 17th October 2011. I can assure you it was not me. I made it perfectly plain at the subsequent Town Council meeting, on 7th November 2011, that conversion to a Full Committee was not a correct decision because the Town Council is actually the Committee. The LITMC (rather miss-named) is only a working group.

I have discussed this with Barbara Mantle (Keith Harvey is on leave) and she is sure that it was Councillor Hawker who asked for the item to be included. It is possible that Keith has an e-mail to that effect. Councillor Hawker certainly would not have asked me to put the item on as I would have said no so he would have gone direct to the Town officials.

I am forwarding the e-mail below which shows Councillor Hawkers feelings on the matter in that the Council have "failed to convert the working group into a full committee" ignoring the fact that only one Councillor, himself, actually voted for it, even his seconder voted against. I am still at a loss to understand how he got the recommendation through the LITMC.

Yours faithfully

Stephen Andrews

----- Forwarded Message -----

[Redacted content]

Sent: Wednesday, 8 February 2012, 12:19

Subject: RE: LAVERTON INSTITUTE TRUST MANAGEMENT COMMITTEE (LITMC)

Dear All

As far as I am concerned all meetings of LITMC will normally be at 7pm from now on.

Sioux and John Parker work flexitime and can quite easily cope with and plan ahead for "occasional" evening meetings. The same applies to Keith Harvey or Barbara.

To all intents and purposes (especially in terms of its actual activities and responsibilities) LITMC is behaving entirely as a full standing committee of the council in every sense except the fact that the council has so far failed to convert the "working group" into a proper committee.

The reality is that no other town council would pretend that a committee like LITMC is technically a "working group" (meaning no public attendance or minutes) and the council promised to convert LITMC into a committee after the main refurbishment was undertaken when the issue was at its most political back in about 2003 - 6 before most current councillors were first elected.

It will be good practice to continue behaving as a committee, which means 7pm meetings.

As far as I can tell, 7pm always results in more members actually being able to attend not least because members / co-optees who work during the day often cannot attend earlier (especially if they

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need to travel far and eat first).

If you have strong objections or difficulties to this intention of holding future LITMC meetings at 7pm, please just reply to me and Barbara.

Whilst writing, I confirm that Derek Whale, Ian Merry and Steve Hobbs are co-opted members of LITMC (this was approved at the last meeting of LITMC).

Regards
Russell

Russell Hawker
Chairman - LITMC

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From: Barbara Mantle [barbara.mantle@westburytowncouncil.co.uk]
Sent: 19 June 2012 09:55
To: Wiltshire, Roger
Cc: 'Keith Harvey'
Subject: RE: Private and Confidential
Attachments: 17.10.2011.docx; 17.10.11a.doc

Hi Roger

I have passed your e-mail to Keith Harvey, who attended the October meeting, and is also back from leave tomorrow. I have also attached both the agenda and minutes for that meeting. Unfortunately, neither mentions who proposed making the Laverton Institute Trust Management Committee (LITMC) a standing committee of the Town Council. It has always been my impression that this idea came from Cllr Hawker, and that he asked for this matter to be placed on the LITMC agenda, but Keith should be able to confirm this one way or the other.

Kind regards

Barbara
Westbury Town Council
01373 822232

From: Wiltshire, Roger [mailto:Roger.Wiltshire@wiltshire.gov.uk]
Sent: 18 June 2012 17:19
To: Barbara Mantle
Subject: Private and Confidential

Dear Barbara,

Re Code of Conduct complaint reference WC 03/12, Councillor Russell Hawker

I am sorry to bother you with another request for information, but a point has come up that I need to clear. I think it can be cleared quickly and easily but I need either/or the agenda or minutes of the LITMC meeting held just before the Laverton relaunch event, probably the meeting where Councillor Andrews resigned as Chair.

The query is regarding – who raised the motion of changing the LITMC from a working group to a committee. The first suggestion was that the idea came from and was proposed by Councillor Hawker. However, Councillor Hawker believes the item was on the LITMC agenda for the meeting where Councillor Andrews resigned.

My thanks, as always, for any help you can give.

Yours sincerely,
Roger Wiltshire
Ethical Governance Officer
Governance
Wiltshire Council, County Hall, Trowbridge,
Wiltshire, BA14 8JN, www.wiltshire.gov.uk
roger.wiltshire@wiltshire.gov.uk
01225 713462

Web: www.wiltshire.gov.uk

Follow Wiltshire Council



Wiltshire, Roger

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From: Keith Harvey [keith.harvey@westburytowncouncil.co.uk]
Sent: 20 July 2012 12:00
To: Wiltshire, Roger
Subject: RE: Private and confidential

Roger

I have spoken to Barbara and although she can find no written evidence we can only assume Cllr. Hawker asked for this to go on the agenda.

Cllr Andrews certainly did not ask for it to go on the agenda.

It was then placed on the next LITMC meeting by Cllr Hawker because he was very keen that the LITMC should become a committee.

It was decided that a recommendation go to Full Town Council that the LITMC become a full committee.

At Full Town Council this was rejected by members.

Regards

Keith Harvey
Town Clerk
Westbury Town Council

01373 822232

From: Wiltshire, Roger [mailto:Roger.Wiltshire@wiltshire.gov.uk]
Sent: 13 July 2012 09:38
To: Keith Harvey
Subject: RE: Private and confidential

Many thanks,
Roger.

From: Keith Harvey [mailto:keith.harvey@westburytowncouncil.co.uk]
Sent: 13 July 2012 09:36
To: Wiltshire, Roger
Subject: RE: Private and confidential

Roger

Apologies for delay in replying but I returned from holiday on Monday and Barbara is away this week and returns next Monday.

I have checked and she prepared the agenda and distributed in my absence as my Father passed away a few days earlier.

Regards

Keith

Keith Harvey
Town Clerk
Westbury Town Council

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Wiltshire, Roger

From: Keith Harvey [keith.harvey@westburytowncouncil.co.uk]
Sent: 29 March 2012 16:32
To: Wiltshire, Roger
Subject: FW: Westbury Town Council

H1

Dear Roger

Please find below e-mail as requested.

Regards

Keith Harvey
Town Clerk
Westbury Town Council

01373 822232

From: Russell Hawker [mailto:████████████████████]
Sent: 24 November 2011 09:22
To: Keith Harvey
Cc: Barbara mantle
Subject: Standing Orders and Pile of papers from Ian Taylor

Dear Keith

Can you please make available to me a copy of the latest (ie. current) Standing Orders (ie. with all amendments included) ASAP, both hard copy and by email.

I also want a full copy of the papers Ian Taylor says he has deposited with the council relating to The Laverton.

I will be coming into the office about 3pm today, so I would be grateful if the papers could be made available by then for me to see for myself, please. I am happy to copy them myself. In any event, I will want to ensure that any copy I take home is exactly the same as those Ian has given to the council.

There are some serious issues arising from the pack of lies that Ian Taylor has recently stated, not least his claim that what I have said is untrue. The fact of this matter is that Ian Taylor is a bare-faced liar and deceived the council throughout his involvement in The Laverton project, starting with when he joined the working group in Autumn 2006 as a non-councillor claiming to have the ability and expertise to understand the project and apply for grants. His first action was to trash the business plan I had written and which the council had adopted based on a string of lies and his own muddles and nonsense. He then made a series of deceptive manoeuvres (including correspondence with Heritage Lottery Fund based on his own wrong and wholly unhelpful description of the proposed refurb project - bearing in mind the need to emphasise the real "heritage" of the building, which is something Ian never appreciated properly) and statements designed to confuse everyone about what was going wrong with his strategy and I was the only one objecting to what he was doing and pointing out that everything he was doing was actually wrong. I have been proved right.

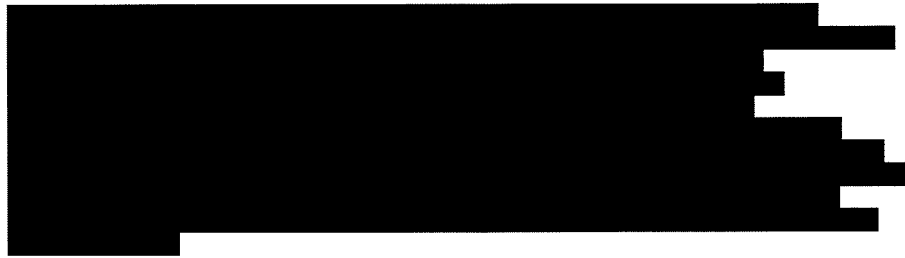
The reason I am raising this matter is because the Conservatives keep claiming that the Laverton project has been successful because of one of their members - ie. Stephen Andrews. These claims keep arising at election time. The claim is totally misleading as the project was set up before Stephen was involved and the real strategic leadership lately has come from John Parker. More importantly, it was the Conservative Ian Taylor - brought in by Conservatives - who systematically ruined the refurb project such that it had to be started again with the consequence of a long delay of several years.

Regards
Russell

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I 1

From: [Russell Hawker](#)
To: "Kerry Eatwell"
Cc:



Subject: RE: Laverton GIG Agenda for 6.30pm Wednesday 7 December
Date: 25 November 2011 17:43:16

Dear Kerry

I am disappointed by your email because the purpose of the GIG is solely to support The Laverton building and its associated heritage and its use and appreciation as a public asset by the local community. The GIG has no political role and so is not supposed to be the vehicle to engage in the politics of the council.

If you want to make political comments about the council, you are of course entitled to do so without it needing to affect your contribution to the GIG.

You do not know the full details of what happened or why because the full details have not been reported in public and because a lot of misleading and downright false claims are being circulated by ex-councillors of one party for very political reasons largely because they resent the way I have had the audacity to tell the truth that they wanted to keep hidden. As a councillor, I've always been happy to stand up to liars and other nonsense. It drives the people who tell misleading claims and mislead the public nuts and they lose their temper and shout and write letters with lies in them.

I intend to reply in full to every lie and misleading claim made by John Clegg and Ian Taylor recently in the public forum of the town council (and as repeated verbatim in this week's White Horse News). Almost every point they have made is untrue and / or misleading.

The members of the LITMC are entitled to change the chair at any time. There is no truth in the claim that Stephen was denied the chance to lead the re-opening event because there was always only one person who was going to handle this in ANY event: The Mayor. This is because the project is a town council project and the town council is the trustee of The Laverton - not any individual or committee of people.

Stephen chose to suddenly leave the committee and not to turn up to the opening event.

The real argument leading up to the chair changing started about 6 months ago when Stephen used his position as chair to publicly attack a by-election candidate in a town council meeting when he should have been presenting a report or update on the Laverton project. In essence, Stephen was objecting to the truth that had been printed in an election leaflet, which basically explained that Stephen has not been the project leader. He was the LITMC chair. He was not the person who set up the project, who set out the vision (which he had started to call his vision at GIG meetings) or who came up with the overall funding strategy. The town council employed John Parker to advise on these matters where they had not already been dealt with. Stephen worked well as chair, but he was not the only person who did any work. Indeed, there was a team of people involved over a long period.

The real problem emerged when Stephen wrote letters which were published in White Horse News making false claims about councillors that connected to his role as LITMC chair. For example, he made the totally false claim that all of Westbury's Wiltshire Councillors were not aware of a "Performance Reward Grant" and were responsible for Westbury receiving less of this grant than other towns whilst he obtained some of the grant for the Laverton. The reality was that we all knew about the grant and it had been discussed several times at area board meetings and John Parker

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was using the "Central Bidding Unit" at County Hall for guidance on grants that were available (a fact I had always been aware of, not least because I have used the Central Bidding Unit for find grants for projects myself previously). The level of grants Westbury received were not related to whether Wiltshire Councillors knew about the grants. It was simply related to whether the right people applied for the grants with a relevant project at the right time.

Finally, at a meeting of LITMC about 6 weeks before the opening event, Stephen was asked to consider his position as chair. I and others certainly made clear to him that his position was untenable unless he withdrew his false claims. Stephen said he would consider the matter and write a letter to White Horse News clarifying his position. Unfortunately, he failed to withdraw any of his false and / or unfounded claims and simply wriggled about on who exactly he meant.

In other words, he was given a full and fair chance to put the matter straight but he failed to do so. It was then up to the committee members whether they were prepared to have Stephen continue as chairman. As it happened on the day, several people who wanted to see Stephen replaced as chair were not able to attend the meeting so the vote that occurred was rather misleading in terms of real overall views of the whole committee.

It is regrettable that this has all happened in the way it did, but Stephen put most of us on the committee in a position where we had no realistic alternative as to not have acted would have suggested to the public that we accept his behaviour in making outrageously false claims designed to improperly discredit other councillors including those who elected him as chair of the LITMC.

At the end of the day, he has brought what happened on himself and there is no truth in the idea that he was otherwise due to lead the re-opening ceremony anyway.

The speech I made was after the main speech by the Mayor and it was simply a summary about the main people who have helped to move the project forward (including Stephen Andres of course) and a mention was made (without mentioning names) of two people who caused a lot of damage and / or delays to the project through their entirely negative contributions at the time.

The truth deserves to be told, especially when some people are trying to rewrite what really happened for their own political purposes. As a councillor determined to ensure that the public know the truth, I have no option but to set the record straight.

Regards
Russell

From: Kerry.Eatwell [REDACTED]
Sent: 25 November 2011 11:22

[REDACTED]

Subject: Re: Laverton GIG Agenda for 6.30pm Wednesday 7 December

LAVERTON GIG - RESPECT TO STEVEN ANDREWS WORK & LOYALTY

Hi,

Whilst I have no objection to the new chairman's appointment, I do not agree with the timing or the manner used to install him and as such withdraw from any further association with group.

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Kerry

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

From: Gill

To:

Cc: 'John Parker' ; 'John Parker'

Sent: Friday, November 25, 2011 9:35 AM

Subject: Laverton GIG Agenda for 6.30pm Wednesday 7 December

Dear Colleague

Please find attached agenda.

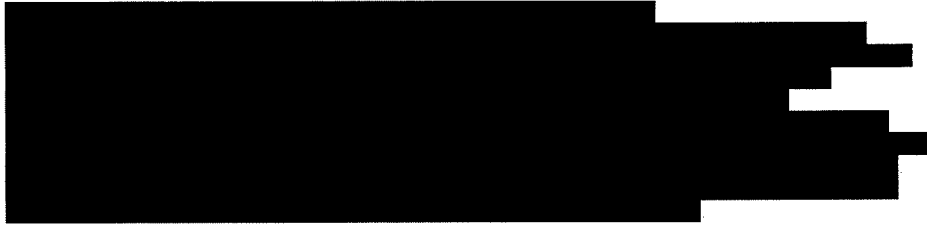
Best wishes

Gill

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I 2

From: [Russell Hawker](#)
To:



Subject: RE: Laverton GIG Agenda for 6.30pm Wednesday 7 December
Date: 26 November 2011 08:59:11

Dear All

I do not intend to reply to all of Ian's points by email, not least because most of you will not enjoy the entire spectacle dropping into your email systems.

For now, I will simply state the following:

At the outset when Ian was co-opted by the committee to work on grants I objected to this in a perfectly calm and clear way (given the complete confidence I had at the time as a long-standing general practice commercial property chartered surveyor with a string of relevant professional qualifications and experience in all kinds of property management and development projects, lettings and sales and who had spent the previous year researching grants and then writing the newly adopted business plan such that I was fully aware of the complexities of the exercise) on the basis that Ian had no known relevant skills or experience to do the job he was claiming to be in a position to undertake.

It was clear to me that the committee was being hoodwinked by a fraudster. I am entirely happy to stand by and defend this position because it is true.

At no stage did I "go ballistic". I never lost my temper, unlike Ian who makes a habit of responding angrily and with personal insults to anyone who simply disagrees with him and is challenging the basis of his claims and statements. I simply recorded my view that what Ian was saying and doing was completely wrong and based on his own misunderstandings about the type of works the building needed and how to present this and, most importantly of all, how to present the *whole* heritage story to the Heritage Lottery Fund. It was clear to me that Ian never grasped the subtleties of how to apply to the HLF and that he was not interested anyway because he wanted simply to trash the new business plan and try any other grant he thought might be available. This was for blatant political reasons as Ian was simply sidelining me and the work I had done.

Although I stayed on the committee (actually, I am the longest continually serving member given that I was there in 2002 when the previous steering group was set up and there in 2003 when LITMC was set up), I did withdraw from working on what Ian wanted to do as I had no confidence in anything Ian ever said because it was all a series of manipulations and nonsense designed to cover his own errors and confuse the whole of the rest of the council. About a year later, I did send an email saying that I think Ian will be excellent when he gets up to speed on the project, which was my rather sarcastic way of saying that even after a year he was still not up to speed with the project (this is about as damning as I felt needed to be said as he had already bungled the application to HLF and was clearly bungling the BLF application in a really spectacular way and I did this because the damage to the project had already been done and it was only a matter of time before his charade unfolded before everyone's eyes. It did when the Big Lottery Fund application came back saying that the forms had been filled incorrectly in several basic ways and that the project would not qualify anyway as it was not about a new community hall (Doh!).

I will be replying to all of Ian's points in due course via other channels to show that it's all nonsense and/or an irrelevant series of diversions designed to cover his complete failure to obtain any grants over 2 years yet he was co-opted in the first place specifically to obtain grants on the basis that he was the person to do it. He got his way completely because the committee (apart from me) completely fell for what he said. Therefore, the end result of his work was entirely down to him.

Regards

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Russell

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WESTBURY TOWN COUNCIL

AT THE MEETING OF THE TOWN COUNCIL HELD AT THE LAVERTON, BRATTON ROAD, WESTBURY ON MONDAY, 9th JANUARY 2012 AT 7.00 PM.

PRESENT: Cllr D Windess (Chairman)

Cllrs S Andrews (arrived 7.18 pm), M Cuthbert-Murray (left 8.30 pm), Mrs S Ezra, R Hawker, D Jenkins, D P Jones, G King, Mrs C Mitchell, Mrs D O'Hara (left 8.00 pm) and W D Tout. Mr K Harvey, Town Clerk, and Mrs B Mantle.

PCSO Neil Turnbull
Five members of the public

Cllr Windess presented Mrs P Thompson (Pam Cox-Maidment) with her past Mayor's medal.

T.2577 PUBLIC FORM:

Dr P Biggs:

- Congratulated the Town Council on its Christmas events.
- Recently published book on Abraham Laverton by Tony Laverton - as requested at the previous Town Council meeting, asked for information on the number of copies sold.
- Timescale for new double yellow lines.
- Westbury Swimming Pool and Leighton Recreation Centre.
- Matravers School – 5A* results
- Cardio vascular disease, cancer, smoking, teenage pregnancy, anti-social behaviour, domestic violence, air and water quality statistics for Westbury.

T.2578 ACCEPTANCE OF APOLOGIES AND REASONS FOR ABSENCE:

Cllr W Braid	-	Personal
Cllr C Pope	-	Personal
Cllr Mrs M Pope	-	Personal
Cllr S Miles	-	Personal
Cllr F Morland	-	Clash of meetings

T.2579 DECLARATIONS OF INTEREST:

Cllr W D Tout – Agenda item 15: personal (employee of Sainsbury's).
 Cllr D Jenkins - Agenda item 12: personal & prejudicial (Governor of Westbury Leigh School).

T.2580 MINUTES. The Minutes of the Town Council Meeting held on the 7th November 2011 were confirmed and signed by the Chairman.

T.2581 MATTERS ARISING FROM THESE MINUTES: Nil.

Members' matters arising from these Minutes: Cllr Andrews referred to the previous meeting's Public Forum when Mr I Taylor, an ex-town councillor, had asked Cllr Hawker to desist from his continuing criticisms of

his chairmanship of the Laverton Institute Trust Management Committee. Cllr Hawker did not accept Cllr Andrews's comments on this matter.

T.2582 POLICE REPORT. Several burglaries in the town resulted in the arrest of three males from Westbury. Two of the burglaries involved theft of car keys and the subsequent theft of the cars from driveways. Both vehicles were recovered, but one had been burnt out. All three, including a fourth for an unrelated day time burglary, are on police bail.

Two males are currently on bail with conditions following a serious assault on New Year's Day.

There has been a reduction in reported incidents of Anti-Social Behaviour (ASB) in the town, due it is believed to the recent two successful ASBO applications.

Bluez n Zuz continues to be a success with currently 50 to 80 young people attending each monthly event. Bluez n Zuz offers a safe environment for young people to meet and socialise free from any peer pressure to become involved in ASB or take alcohol and drinks.

T.2583 WILTSHIRE COUNCILLORS' REPORTS.

- **Westbury Car Parks.** Cllr Cuthbert-Murray reported that Wiltshire Council spends £35,000 per annum on maintaining and running Westbury car parks, and requested a breakdown of this figure. Cllr Hawker confirmed the Town Council's Car Parks Working Group was pressing Wiltshire Council for full income and expenditure details.
- **A350 - additional traffic.** Cllr Jenkins reported that Wiltshire Council is talking with B&NES regarding the proposed diversion of traffic on to the A350. This matter will not be the subject of judicial review.
- **State of the Westbury White Horse.** Cllr Jenkins expressed his concern over the grey and dirty appearance of the horse.
- **Westbury Leigh/Leigh Park.** Cllr Hawker expressed concern about confusion between Westbury Leigh and Leigh Park.

T.2584 MINUTES OF COMMITTEES. The following Minutes were received and noted:

Finance Committee	-	13.12.2011
Highways, Planning & Development Committee	-	21.11.2011
Highways, Planning & Development Committee	-	19.12.2011
General Purposes Committee	-	05.12.2011

T.2585 MATTERS ARISING FROM THESE MINTES. Nil.

T.2586 It was resolved to bring forward Agenda item 14 regarding the Wiltshire West District Scout Association's request for a grant.

T.2594 GREAT WESTERN HOSPITAL NHS FOUNDATION TRUST. It was agreed to invite Claire Litchfield, Governance Officer for the Great Western Hospitals NHS Foundation Trust to the next General Purposes Committee Meeting on the 6th February to talk about the Trust and receive local feedback.

T.2595 CLERK'S CORRESPONDENCE/MATTERS.

Wiltshire Citizens Advice. Letter of thanks for the Town Council's grant of £5,000.

Christmas Events. The Town Clerk reported on the successful events held in the town.

T.2596 THE LAVERTON INSTITUTE TRUST MANAGEMENT

COMMITTEE. Cllr Hawker assured members that letters expressing the Town Council's thanks to those organisations, who provided grant funding for the Phase II refurbishment of the Hall, will be sent out shortly. Sioux How, Laverton Development and Marketing Officer, is currently working on all the necessary policies and procedures for the Hall, and John Parker, Project Officer, is working on the production of a formal business plan, which will be submitted to Town Council for adoption in the near future. The repairs to the ceiling in the Ladies toilets should be completed shortly.

T.2597 COMMUNICATIONS BY THE TOWN MAYOR. Cllr Windess reported on the functions he had attended on behalf of the Town Council, and thanked the Christmas Working Group for the successful events held in the town. He reminded members of the forthcoming Civic Reception on the 2nd March 2012.

T.2598 ACCOUNTS:

Payment of Accounts. On report by the Clerk and Responsible Financial Officer, it was resolved to approve the List of Payments made since the last meeting, or to be made, and to confirm the action of the Clerk, the Mayor and one other member in signing the necessary orders for payment and Bank Transfers as follows:

13.12.2011	-	£99,938.90
09.01.2012	-	£13,863.63

9.15 pm

Signed on behalf of the meeting
this fifth day of March 2012

.....
Chairman

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From: Russell Hawker [REDACTED]
Sent: 12 May 2012 10:19
To: Wiltshire, Roger
Cc: Gibbons, Ian
Subject: Code of Conduct Complaint Ref: WC 03/12 - INTERVIEW ON 17 May

Importance: High

Dear Mr Wiltshire

I have given more careful thought to the wording of your letter to me dated 10th May 2012.

On the second page in the second full paragraph which starts with "NB", you say:

"... my investigation only covers the period from the Laverton Launch event in October 2011 to the Westbury Town Council meeting held on 7th January 2012. Whilst I acknowledge there is a "history" regarding The Laverton, my investigation does not concern what may or may not have happened in past years, or what may or may not have been done by other people. If a breach of the Code has occurred within the scope of my investigation, the "history" may be something a committee could consider as mitigating circumstances."

This is a fundamentally flawed approach on your part because:

1. The core of Mr Taylor's complaint fundamentally relates to what I have said about his actions in relation to the Laverton refurbishment project which occurred in previous years - ie. Autumn 2006 - Spring 2009. He is now denying what I have said he did as if I have said something untrue and so disrespectful about him. It would therefore be wholly bizarre for you to not be interested in the veracity of what I am saying about Mr Taylor's actions in the past and to say to me: *"my investigation does not concern what may or may not have happened in past years"*.
2. You cannot tell whether a breach of the code has occurred under paragraph 3 (1) [You must treat others with respect] unless you identify exactly what has occurred (ie. the exact words and actions) and whether in the relevant context and circumstances what was said or done was actually disrespectful according to the Code (as clarified by many APE cases). If you think something I've said or written about Mr Taylor may be offensive and/or improper and/or untrue in a disrespectful manner under Para 3 (1), you certainly need to be concerned with seeking the truth and whole truth about all the relevant circumstances of the matter and - fundamentally - whether what I said or did was actually correct or factually true not. You must be aware that just because people choose to take offence or deny unsavoury facts about themselves, does not make it a breach of the Code to point out such facts in a truthful and factual (ie. without gratuitous insults) way.
3. You cannot properly analyse whether a breach of the code has occurred under paragraph 3 (2) b [You must not bully] unless you are properly analysing what has happened in all the relevant circumstances in the first place (see points 1 and 2 above).

It is important that you make clear, please, that you are approaching this matter in a wholly impartial and open-minded manner and that you as investigator are seeking all the relevant truth and are open to the prospect of past events shaping the truth (and being part of the whole truth) about what has occurred in the period you think this investigation is about and that you accept that any analysis of the truth must include an analysis of all the relevant information including what actually happened in the past if the matter relates to the past.

As I said previously, please be aware that I will not be bringing all my potential evidence with me (to the interview on 17 May) as there is too much going back several years that may be relevant. Until you tell me what exactly you think might be a breach of the code (eg. by highlighting the exact words etc. - you have not yet done this), I cannot be sure what I need to show you to explain the truth of this matter and I have hundreds of relevant documents / emails and a handful of potential witnesses etc which may or may not be relevant depending on what you choose to pick out.

Yours sincerely

Russell Hawker

ISS

Extract from minutes of meetings as provided by Mr Taylor.

WESTBURY TOWN COUNCIL

**AT THE MEETING OF THE TOWN COUNCIL HELD AT THE LAVERTON,
BRATTON ROAD, WESTBURY ON MONDAY 4th SEPTEMBER 2006 AT 7.00 PM.**

T.1546 THE LAVERTON INSTITUTE – TO APPROVE AND ADOPT THE BUSINESS PLAN (ISSUE NO 2). It was agreed that Cllr Hawkins should chair this item in the absence of Cllr Finbow, who had declared a personal and prejudicial interest in this matter, and had left the room.

Cllr King reported that the plan is the culmination of the last six months work of the LITMC. It was found that Issue 1 was not fit for purpose, and, in fact, hampered the process of grant application. This exercise has allowed the Committee to assess performance to date and plan how the project will go forward.

Cllr Hawker confirmed that the purpose of the plan is to explain the actual costs of running the building for the last three years, and the latest proposals for the future development and use of the building, in order to facilitate detailed advanced discussions with grant providers, and/or any other funders (Heritage Lottery Fund (HLF), Community First – Landfill Tax Credit Scheme).

In summary:

1. The cost of the main scheme will be £350,000.00 (HLF 70% of the cost with 30% match funding) – anticipated.
2. The ground floor Snooker Hall and Reading Room will be converted into a further hire facility, and the Hall Manager's office.
3. Installation of a hydraulic platform lift within a shaft.
4. First floor ladies wc will be refurbished, including the installation of a separate unisex disabled wc, and upgrading of kitchen.

In conclusion, Cllr Hawker reiterated that Issue 2 needs to be adopted by Town Council showing support for the plan. He assured Members that acceptance of the plan does not automatically provide the LITMC with authority to obtain any loan, or to enter into any contract for works, and when new tenders have been obtained for the whole refurbishment project and detailed grant availability has been confirmed, the plan will be updated and a further decision will be obtained from Town Council for give final approval at the time.

Cllrs Hawker and King gave the following responses to Members' questions:

- Should the HLF grant bid fail, the alternatives are the Landfill Tax Credit Scheme (although not adequate to meet the cost of the whole scheme), and the Big Lottery Fund's Community Buildings Fund. The Town Council

also raised £100,000.00 through the precept in 2004/2005, approximately 70% of which is still held in reserve.

- Westbury Town Council pays a revenue grant to assist the charity. It is proposed to increase this to £20,000.00 pa from 2010/11 to reflect the increased public use, enjoyment and benefit of the community facilities by then.
- Business sponsorship – the list of potential sponsors are suggestions, and will only be approached at a later date, and for specific small projects only. It is necessary to include this information for grant purposes. However, it is agreed that specific details should be kept confidential and omitted from copies of the plan for release to the public.
- The LITMC is a busy committee, meeting twice a month. There have been delays in the project, but this is due to caution and care.
- The long term aspiration of the LITMC is for the Hall to be managed by the community. Until such time as the Hall is refurbished the Committee will continue to co-opt additional members when needed. Once the project is completed, it is hoped that a new committee, comprising trustees and ordinary committee members, will take the management of the Hall forward.

Cllr Hawker proposed that this Town Council adopts the Business Plan (Issue 2) as presented, with the minor amendments agreed, and the list of potential sponsors (Pages 23 and 24) being removed from the public version of this document for the reasons discussed. **The resolution was carried.**

WESTBURY TOWN COUNCIL
The Laverton Institute Trust Management Committee
Notes of the Meeting held on 1st November 2006
at The Laverton

**PRESENT: Cllrs G I King (Chair), M B Hawkins, and C T Finbow.
Mrs H McKinnon and Mrs B Mantle.**

1. **Apologies.** Cllrs Mrs P Cox-Maidment and R M J Hawker.
Mr I Clark and Mr L J Fry.
2. **Heritage Lottery Bid.** Ian Taylor, Project Co-ordinator, recommended that the bid is worked up by the committee itself with him co-ordinating and where necessary motivating progress. GK suggested working in pairs and dividing the various sections of the bid between each pair with one pair acting as author and another acting as editor.

The sections are:

	Section A	The Project Summary
	Sections B & C	About your organisation and project details
Sections D & E	Project aims and priorities and planning and managing the project	
Section F & G	Financial viability and development funding	

Sections H & I	Identifying, charting and identifying risk and measuring the success of the project
Sections J & K	Other lottery applications and supporting documents

It was agreed to divide the sections as follows:

Charlie Finbow and Mike Hawkins	-	Section A
Ivan Clark and Horace Prickett	-	Sections B & C
Helen McKinnon and Pam Cox-Maidment	-	Sections D & E
Russell Hawker supported by Les Fry		
and Barbara Mantle	-	Sections F & G
Collectively, or Ian Taylor. (Helen to do Landfill Tax Credit bid	-	Sections J & K
Sections H & I	-	?

It was agreed to bring the first drafts to the next meeting on 29.11.06, finalise the draft document by Christmas and submit the bid at the end of January 2007.

Ian Taylor had suggested the bid be themed on heritage, but GK proposed drawing on the original objects of the charity and developing them through to the present day and into the future.

It is also necessary to work on the education policy, conservation statement and management plan.

WESTBURY TOWN COUNCIL

AT THE MEETING OF THE TOWN COUNCIL HELD AT THE LAVERTON, BRATTON ROAD, WESTBURY ON MONDAY, 6th NOVEMBER 2006 AT 7.00 PM.

T.1568 THE LAVERTON INSTITUTE TRUST MANAGEMENT COMMITTEE. The charity accounts have been prepared for 2003-04, 2004-05, and 2005-06 and are being externally audited, and will then be submitted to the Charity Commission.

The Committee will be looking at the viability of developing a management accounting system for The Laverton.

Mr Ian Taylor has now volunteered to act as project co-ordinator, and will be assisting with the final lottery bid. Members have been allocated different sections of the bid application, and will be submitting their drafts to Committee at the end of November. It is planned to finalise the draft document by Christmas and to submit the application by the end of January.