

AGENDA

Meeting: Standards Hearing Sub-Committee
Place: Marlborough Town Hall : Council Chamber - 5 High St,
Marlborough, SN8 1AA
Date: Monday 11 March 2013
Time: 2.00 pm
Matter:

Please direct any enquiries on this Agenda to Pam Denton, of Democratic Services, County Hall, Bythesea Road, Trowbridge, BA14 8JN.

Press enquiries to Communications on direct lines (01225)713114/713115.

This Agenda and all the documents referred to within it are available on the Council's website at www.wiltshire.gov.uk

Membership:

Cllr Trevor Carbin
Cllr Peter Fuller

Cllr Howard Greenman

AGENDA

Part 1

Items to be considered when the meeting is open to the public

1 **Election of Chairman**

To elect a Chairman for this meeting only

2 **Chairman's Welcome, Introduction and Announcements**

3 **Declarations of Interest**

Councillors are requested to declare any pecuniary or non-pecuniary interests.

4 **Exclusion of the Press and Public**

To consider passing the following resolution:

To agree that in accordance with Section 100A(4) of the Local Government Act 1972 to exclude the public from the meeting for the business specified in Item Number 5 because it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 7(c) of Part I of Schedule 12A to the Act and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

Part II

Item(s) during consideration of which it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

5 **Standards Committee Hearing Complaint regarding the Alleged Conduct of Mr Roger Durie of Great Bedwyn Parish Council**

5a **Consideration of the Investigator's Report** (*Pages 1 - 124*)

5b **Pre Hearing Process Summary** (*Pages 125 - 128*)

5c **Forms A-E** (*Pages 129 - 130*)

5d **Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011** (*Pages 131 - 139*)

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Wiltshire Council

Standards Hearing Sub-Committee

11 March 2013

Consideration of an Investigator's report

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

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

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

Ian Gibbons, Monitoring Officer

Report Author: Marie Lindsay, Ethical Governance Officer

Tel: 01225 718465

Date of report: 26th February 2013

Background Papers

Final Investigation Report – 9th August 2012

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PRIVATE AND CONFIDENTIAL

Case Reference: WC 06/12

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

DATE: 9 August 2012

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 - 3 The relevant legislation**
 - 4 The evidence gathered**
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 - 8 Finding**
-
- Appendix A Schedule of findings of fact**
- Appendix B Schedule of evidence taken into account and list of unused material**

1. Executive summary

- 1.1 On 23rd March 2012 the Monitoring Officer of Wiltshire Council received a complaint from Mrs Jan Thornton regarding the alleged conduct of Councillor Roger Durie, a member of Great Bedwyn Parish Council.
- 1.2 In summary, the allegation is that Councillor Durie failed to show respect to Mrs Durie by permitting a motion about the application of the Parish Council's Vexatious Complaints Policy to be taken as a part 1 item and by referring to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
- 1.3 On 17th April 2012 the Assessment Sub-Committee of Wiltshire Council's Standards Committee considered the complaint. In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Sub-Committee decided to refer the complaint to the Monitoring Officer for investigation.
- 1.4 The Monitoring Officer delegated his investigatory powers to Marie Lindsay, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000
- 1.5 The investigation was undertaken in accordance with the statutory framework for investigations and guidance issued by Standards for England. The Investigating Officer has found a breach of paragraphs 3(1) and 5 of the Code of Conduct.
- 1.6 Attached to this report is a schedule of evidence containing the documents referred to in it.

2 Councillor Durie's official details

- 2.1 Councillor Roger Durie has been a member of Great Bedwyn Parish Council for approximately ten years and he has been the Chairman of the Parish Council for the last two or three years.
- 2.2 Councillor Durie gave a written undertaking to observe the Code of Conduct on 27th May 2003 (Appendix B1.3, page 41).
- 2.3 Councillor Durie has not attended a formal training session on the Code of Conduct however he has read and is familiar with the Code of Conduct and other documentation provided by Standards for England.

3 The relevant legislation

- 3.1 Great Bedwyn Parish Council has adopted the Model Code of Conduct for Members in which the following paragraphs are included:

Paragraph 3(1) – Respect

- *You must treat others with respect*

Paragraph 5 – Disrepute

- *You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*

3.2 Standards for England guidance in respect of these provisions is as follows:

Paragraph 3(1) - 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.

Paragraph 5 - Disrepute

You must not bring your office or authority into disrepute while acting in your official capacity, or at any time through criminal activity that leads to a criminal conviction

As a member, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your office or your authority. Dishonest and deceitful behaviour in your role as a member may bring your authority into disrepute, as may conduct in your private life which results in a criminal conviction, such as dishonest, threatening or violent behaviour.

4 The evidence gathered

- 4.1 I have taken account of oral evidence from:
- The complainant, Mrs Jan Thornton

- (Appendix B2.2, page 47)
- The subject member, Councillor Roger Durie
(Appendix B2.3, page 50)

4.2 I have also taken account of the following documentary evidence:

- Councillor Durie's initial written response to the allegations dated 3 May 2012
(Appendix B2.1, page 46)
- Petition presented by Mrs Thornton to the Great Bedwyn Parish Council meeting on 8th December 2010
(Appendix 3.3, page 62)
- Great Bedwyn Parish Council's parking restriction proposal dated 17th December 2011
(Appendix B3.10, page 94)
- Great Bedwyn Parish Council's Vexatious Complaints Policy, adopted on 8th February 2012
(Appendix B3.11, page 95)
- Great Bedwyn Parish Council's Standing Orders, revised 11th January 2012
(Appendix B3.12, page 99)
- Extract from National Association of Local Councils Model Standing Orders for Local Councils
(Appendix B3.13, page 102)
- Article in the Wiltshire Gazette and Herald, 18th April 2012
(Appendix B3.14, page 107)
- Minutes of Great Bedwyn Parish Council meetings on:
 - 8th December 2010 (Appendix B3.3, page 62)
 - 12th January 2011 to 14th December 2011 (Appendix B3.4, page 70)
 - 11th January 2012 (Appendix B3.5, page 80)
 - 8th February 2012 (Appendix B3.6, page 83)
 - 14th March 2012 (Appendix B3.7, page 87)
 - 11th April 2012 (Appendix B3.8, page 90)
 - 9th May 2012 (Appendix B3.9, page 91)
- Correspondence between Mrs Thornton and Great Bedwyn Parish Council as follows:
 - Email from Councillor Durie to Mrs Thornton requesting a list of members of The Knapp Tenants' Association and minutes of all their monthly meetings since inception, 30th September 2011 (Appendix B3.15, page 109)
 - Letter from the Clerk to Mrs Thornton requesting a copy of the Constitution of The Knapp Tenants' Association and minutes of the last two meetings, 23rd January 2012 (Appendix B3.16, page 110)

- Email from Mrs Thornton to the Clerk providing an unsigned copy of the Constitution, 24th January 2012 (Appendix B3.17, page 111)
- Email acknowledgement and response from the Clerk, 24th January 2012 (Appendix B3.18, page 114)
- Email from the Clerk to Mrs Thornton requesting additional documentation, 30th January 2012 (Appendix B3.19, page 115)
- Email from Mrs Thornton to the Clerk seeking clarification about the requests for documentation, 3rd February 2012 (Appendix B3.20, page 116)
- Email from Mrs Thornton to the Clerk advising that further documentation would be provided shortly, 10th February 2012 (Appendix B3.21, page 119)
- Letter from the Clerk to Mrs Thornton advising her of the implementation of the Vexatious Complaints Policy, 28th March 2012 (Appendix B3.22, page 120)

5 The complaint

- 5.1 Mrs Thornton's complaint is set out in her complaint form received on 23rd March 2012 (Appendix B1.1, page 23).
- 5.2 Mrs Thornton's complaint contains a number of issues regarding the behaviour and actions of Councillor Durie. However, those aspects of the complaint that have been referred for investigation by the Assessment Sub-Committee are as follows:
- Councillor Durie's actions in permitting the Motion about the application of the Parish Council's Vexatious Complaints Policy to be taken as a part 1 item
 - Councillor Durie's alleged referral to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
- 5.3 On 26th March 2012 Mrs Thornton provided a copy of the minutes of the Great Bedwyn Parish Council meeting of 14th March 2012 together with a covering email (Appendix B1.1a, page 30).
- 5.4 On 30th March 2012 Mrs Thornton provided an email from [REDACTED] in support of her complaint (Appendix B1.1b, page 33).

6. The material facts

- 6.1 Councillor Durie is (and was at the relevant time) a member of Great Bedwyn Parish Council and as a member of the Council is subject to the Code of Conduct.
- 6.2 Mrs Thornton is the Secretary of The Knapp Tenants' Association. The Association was established by her in February 2010 as a result of

difficulties that residents in The Knapp, Great Bedwyn were experiencing with parking.

- 6.3 The Association has no committee members but there is a Chairman, Secretary and three Link Members. All 5 personnel have voting rights at monthly committee meetings and report issues back to the residents.
- 6.4 Residents of the 38 bungalows in The Knapp are automatically deemed to be members of The Knapp Tenants' Association unless they opt out.
- 6.5 On 8th December 2010 Mrs Thornton presented a petition and supporting documentation to Great Bedwyn Parish Council, regarding parking difficulties in The Knapp. The petition, which includes the signatures of 46 residents of The Knapp, is attached at Appendix B3.3 page 62, together with the minutes of the meeting.
- 6.6 Discussions regarding the parking difficulties in Great Bedwyn continued during 2011. Extracts from the minutes of Parish Council meetings held during 2011, relating to the parking issues at The Knapp, are attached at Appendix B3.4, page 70.
- 6.7 On 30th September 2011 Councillor Durie sent an email to Mrs Thornton requesting a list of the members of The Knapp Tenants' Association and the minutes of all the monthly meetings since inception (see Appendix B3.15, page 109).
- 6.8 The minutes of the Parish Council meeting on 12th October 2011 refer to an email response from The Knapp Tenants' Association indicating a need to edit the minutes prior to presentation to the Parish Council (see Appendix B3.4, page 77).
- 6.9 On 25th October 2011 Councillor Durie and Councillor Stuart Wheeler, Wiltshire Council member for Burbage and The Bedwyns, met with a representative of Sarsen Housing Association to discuss parking in The Knapp. This meeting is referred to by Councillor Durie in his interview with the Investigating Officer and it is also referred to in the minutes of the Parish Council meeting on 9th November 2011 (see Appendix B3.4, page 78).
- 6.10 Following this meeting on 25th October 2011, Councillor Durie undertook a day of visits to residents of The Knapp to gain their views, first hand, about the extent of the parking difficulties being experienced. He undertook this day of visits with Mrs Soellner of The Wiltshire Good Neighbour Scheme. Mrs Thornton refers to these visits by Councillor Durie in her email to Mr Brinsden dated 24th January 2012, in which she advises him of the need to redact confidential information from the minutes of the last two meetings of the Association, most of which relates to Mr Durie's visits to their homes.

- 6.11 On 17th December 2011 Great Bedwyn Parish Council drafted a proposal regarding parking restrictions in The Knapp which it put forward for consultation (see Appendix B3.10, page 94).
- 6.12 A meeting of Great Bedwyn Parish Council was held on 11th January 2012 at which the proposed parking restrictions in The Knapp were discussed. During the public discussion two members of the public, Karen Gardener and Kevin Challen, questioned the membership and validity of The Knapp Tenants' Association (see Appendix B3.5, page 80).
- 6.13 On 23rd January 2012 the Clerk to Great Bedwyn Parish Council, Mr Brinsden, wrote to Mrs Thornton requesting a copy of the Constitution of The Knapp Tenants' Association and the minutes of the Association's last two meetings (see Appendix B3.16, page 110).
- 6.14 On 24th January 2012 Mrs Thornton sent an email to Mr Brinsden responding to his request and enclosing an unsigned copy of the Constitution. She advised that a signed copy would be posted to Mr Brinsden together with the minutes of the last two meetings once the confidential information included in them had been redacted (see Appendix B3.17, page 111).
- 6.15 Mr Brinsden acknowledged receipt of the unsigned Constitution on 24th January 2012 and a copy of his email is attached at Appendix B3.18, page 114.
- 6.16 On 30th January 2012 Mr Brinsden sent a further email to Mrs Thornton advising her that the Parish Council had received additional correspondence from village residents seeking confirmation of the membership of The Knapp Tenants' Association. Mr Brinsden asked Mrs Thornton to provide signed documents to enable the Parish Council to confirm the validity of the Association. Specific documents requested were a signed copy of the Constitution, the minutes of the last two meetings, documents stating the number of The Knapp residents on whose behalf Mrs Thornton is acting and a statement to confirm that all residents of The Knapp have been made aware of the new parking proposals (see Appendix B3.19, page 115).
- 6.17 Mrs Thornton responded to Mr Brinsden's email on 3rd February 2012, commenting on whether documentary evidence was requested from all groups and associations with which the Parish Council interacts (see Appendix B3.20, page 116).
- 6.18 A meeting of Great Bedwyn Parish Council was held on 8th February 2012 at which the parking proposals were again discussed. At this meeting the Parish Council adopted complaints policies, including a Vexatious Complaints Policy (minutes attached at Appendix B3.6, page 83).

- 6.19 Great Bedwyn Parish Council's Vexatious Complaints Policy is attached at Appendix B3.11, page 95.
- 6.20 On 10th February 2012 Mrs Thornton advised Mr Brinsden by email that the amendments to remove confidential information from the Tenants' Association's minutes had now been made and that these would be forwarded to the Parish Council, together with a signed copy of the Constitution, after the next meeting of the Association (see Appendix B3.21, page 119).
- 6.21 Mrs Thornton did not provide Great Bedwyn Parish Council with a signed copy of the Constitution or the minutes of the last two meetings. Neither did she provide details of the names of its members. Mrs Thornton explains that the Tenants' Association's refusal to provide this information is based on the grounds that the names of its members is confidential information and that no other organisation or group the Parish Council interacts with is required to submit this information.
- 6.22 Great Bedwyn Parish Council does not usually ask an association for documentation such as that requested from The Knapp Tenants' Association.
- 6.23 The next meeting of Great Bedwyn Parish Council was held on 14th March 2012. At this meeting, during matters arising, Councillor Raff proposed a Motion to identify Mrs Thornton and The Knapp Tenants' Association as vexatious and to inform Mrs Thornton of this decision in accordance with the Council's Vexatious Complaints Policy. The motion was carried with seven votes, and one abstention (see Appendix B3.7, page 87).
- 6.24 The Motion was taken as a Part 1 agenda item and the press and public had not been excluded from the meeting.
- 6.25 During the discussion of the proposed Motion Councillor Durie referred to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
- 6.26 There is a discrepancy between the evidence of Mrs Thornton and Councillor Durie about how many members of the public were present at the meeting on 14th March 2012. Mrs Thornton advises that there were approximately 40 members of the public present at the meeting, including one member of the press. Councillor Durie states that there were over 30 members of the public in attendance at the start of the meeting but that at the time the Motion was proposed by Councillor Raff less than 20 of these remained at the meeting. He confirms that a member of the press, Val Compton, does sometimes attend Parish Council meetings but he cannot recall whether she was present at this particular meeting.

- 6.27 The minutes of the meeting refer to there being over 30 people present at the meeting and I have no reason to doubt the accuracy of the minutes which were prepared by the Clerk. I am unable to conclude, however, how many of these people were still present at the meeting when the Motion was proposed by Councillor Raff under matters arising. It is suggested by Councillor Durie that less than 20 remained but this cannot be supported by documentary evidence as it is not recorded in the minutes. It is fair to assume, however, that a considerable number of people were still present at the meeting when the Motion was proposed because the matters arising began with a discussion about traffic items and followed immediately on from the public discussion. With regard to the attendance of a member of the press at the meeting, Councillor Durie confirms that Ms Compton does sometimes attend Parish Council meetings and there is no evidence to dispute that of Mrs Thornton that Ms Compton was present on 14th March.
- 6.28 There is also a discrepancy about the manner in which Councillor Durie made his reference to 'purported'. Mrs Thornton states that it was said in such a way, and with such a tone of voice, that was disrespectful. Councillor Durie states that his reference to 'purported' was made as an off the cuff comment. He cannot remember in what tone he used the expression but he confirms that it was said as a statement and not in a particularly derogatory manner.
- 6.29 I have no evidence to confirm the exact manner in which Councillor Durie used the expression 'purported'. Councillor Durie advises that it was said as a statement and, given the lack of evidence provided by Mrs Thornton to the Parish Council to confirm membership of The Knapp Tenants' Association, I accept that it was indeed intended by Councillor Durie as a statement. A number of questions had been raised in Parish Council meetings questioning the validity of the Association and I accept that Councillor Durie's statement was a way of emphasising this public and Parish Council opinion. However, in view of the history of correspondence between Mrs Thornton and the Parish Council, I accept that the use of the word 'purported' would appear to Mrs Thornton to be a derogatory statement.
- 6.30 On 28th March 2012 the Parish Council sent a letter to Mrs Thornton confirming the passing of the Motion and advising her of the implementation of the Vexatious Complaints Policy (see Appendix B3.22, page 120).
- 6.31 A meeting of Great Bedwyn Parish Council was held on 11th April 2012. A post meeting note was added to the minutes regarding the request for documentation from Mrs Thornton concerning The Knapp Tenants' Association (see Appendix B3.8, page 90).
- 6.32 The next meeting of Great Bedwyn Parish Council was held on 9th May 2012. At this meeting the implementation of the Vexatious Complaints

Policy in respect of Mrs Thornton was discussed as a confidential item on the agenda.

- 6.33 On 9th May 2012 Mrs Thornton provided the Investigating Officer with a signed copy of The Knapp Tenants' Association's Constitution. It is signed by the Chairman, the Secretary and the three Link Members.
- 6.34 Minutes of Great Bedwyn Parish Council meetings are displayed on two village notice boards and they are available to view and download via the online parish document store. They are also included in the Parish News magazine but not always in their entirety.
- 6.35 In her complaint Mrs Thornton alleges that Councillor Durie has repeatedly made reference to the 'purported' Knapp Tenants' Association over a period of months at public meetings. Councillor Durie states that he has used this expression in only one meeting, on 14th March 2012, and in one letter, that which was sent to Mrs Thornton following the meeting on 14th March 2012.
- 6.36 There is no documentary evidence to support the allegation made by Mrs Thornton that Councillor Durie has used the word 'purported' over a period of months in public meetings. The minutes of Parish Council meetings do not reflect the use of this expression. Additionally, Mrs Thornton submitted her complaint on 23rd March 2012 in response to the actions of Councillor Durie at the Parish Council meeting on 14th March 2012, one element of her complaint being Councillor Durie's use of 'purported'. I therefore accept that Councillor Durie used the word 'purported' only in the meeting that was held on 14th March 2012. The word was, however, repeated in the minutes of the meeting and in the letter sent to Mrs Thornton on 28th March 2012 advising her of the implementation of the Vexatious Complaints Policy.

7. Reasoning as to whether there have been failures to comply with the Code of Conduct

7.1 The Code of Conduct requires that:

- *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*

7.2 In his role as Chairman of Great Bedwyn Parish Council there is no doubt that Councillor Durie was conducting the business of the

authority to which he was elected with regard to the issues raised by Mrs Thornton. In this capacity he is therefore required to comply with the Code of Conduct.

- 7.3 It is alleged that Councillor Durie has failed to comply with the following paragraph of the Code of Conduct:
- *You must treat others with respect*
- 7.4 I will look first at Councillor Durie's referral to The Knapp Tenants' Association as 'purported'.
- 7.5 It is clear from the evidence gathered during the investigation that the Parish Council had some concerns over the extent of Mrs Thornton's representation of the residents of The Knapp for some time. A request for documentary evidence regarding the membership of the Association was first sent to Mrs Thornton on 30th September 2011 and this was followed up with further requests in January 2012. Despite numerous requests the evidence requested by the Parish Council was never received, except for an unsigned copy of the Constitution of The Knapp Tenants' Association's which was provided by Mrs Thornton on 24th January 2012.
- 7.6 Parking difficulties in The Knapp are clearly an emotive issue in Great Bedwyn, featuring largely in Parish Council business during the whole of 2011 and into 2012. Meetings were held with Network Rail and Wiltshire Council's Highways Department and the minutes of the Parish Council meeting on 11th May 2011 reflect that the parking difficulties had been discussed at a Pewsey Area Board meeting. The Bedwyn Train Passengers Group have made a number of representations to the Parish Council and the public discussion sessions at Parish Council meetings have attracted a number of speakers on the subject.
- 7.7 At a Parish Council meeting on 8 June 2011 the Bedwyn Train Passengers Group stated that The Knapp Tenants' Association's statement of the parking problem differs from their own observations and enquiries. At the Parish Council meeting on 11th January 2012 one member of the public, Karen Gardener, queried the membership and validity of The Knapp Tenants' Association stating that she had not seen any published documentation. Another member of the public, Kevin Challen, questioned the details of The Knapp Tenants' Association.
- 7.8 In October 2011 Councillor Durie himself visited residents of The Knapp in order to verify the extent of the parking difficulties, visits which are referred to by Mrs Thornton in her email to the Clerk on 24th January 2012.
- 7.9 Additional correspondence was received from local residents questioning the membership of the Association and these are referred

to by the Clerk, Mr Brinsden, in his email to Mrs Thornton of 30th January 2012.

- 7.10 Mrs Thornton has stated that the requested information has not been provided because of confidentiality issues. The Knapp Tenants' Association is not registerable under the Data Protection Act 1998. It is prudent in respect of confidentiality issues to redact personal signatures from documents once any personal information has been redacted from documentation such as minutes of meetings there is no reason why these could not have been provided to the Parish Council.
- 7.11 Under the circumstances, I find it perfectly understandable for Councillor Durie to refer to the 'purported' Knapp Tenants' Association. Mrs Thornton's evidence is that it is always she who attends meetings on behalf of the Association. The Parish Council had seen no documentation to verify its membership, nor had they been provided with confirmation of what had been discussed at the monthly committee meetings. It was clearly not only just the Parish Council who were questioning the validity of the Association and the extent that it represents the residents of The Knapp. It is true that Mrs Thornton had provided signatures of residents of The Knapp with her petition to the Parish Council on 8th December 2010 but these were the signatures of residents, not signatures of the Tenants' Association. Whilst I accept that all residents of The Knapp are treated as members of The Knapp Tenants' Association unless they opt out, their signatures were not expressly obtained as belonging to the Association.
- 7.12 Standards for England guidance refers to a need for members to treat the public courteously and with consideration, stating that rude and offensive behaviour lowers the public's confidence in its elected representatives. I do not consider Councillor Durie's behaviour to be rude or offensive and I have made a finding earlier in my report that he made the comment merely as a statement. I consider this to be a reasonable statement to make under the circumstances, given that the requested documents had not been forthcoming, and I do not accept that it amounts to a failure to treat Mrs Thornton courteously or without due consideration.
- 7.13 I therefore find that Councillor Durie's reference to the 'purported' Knapp Tenants Association does not breach paragraph 3(1) of the Code of Conduct.
- 7.14 I will look next at Councillor Durie's actions in permitting the Motion about the application of the Council's Vexatious Complaints Policy to be taken as a part 1 item.
- 7.15 Great Bedwyn Parish Council adopted a Vexatious Complaints Policy at its meeting on 8th February 2012. The implementation of this policy in respect of Mrs Thornton is not under investigation but the procedures

contained within the policy which detail how it should be implemented are relevant.

- 7.16 Paragraph 4.2 of the Policy states 'in the first instance the Clerk will consult with the Chairman of the Council prior to issuing a warning to the complainant'. The Motion that was proposed and agreed at the meeting on 14th March 2012 was used by the Parish Council as the catalyst for issuing the warning letter to Mrs Thornton.
- 7.17 The fact that the Motion was taken as a Part 1 item, with a considerable number of the public and a member of the press present at the meeting, is not what was intended by the policy which suggests that a private consultation between the Clerk and the Chairman should be undertaken.
- 7.18 I believe that the fact that the implementation of the Vexatious Complaints Policy was undertaken in the public arena shows a lack of respect for Mrs Thornton. As I have referred to earlier, public feeling with regard to parking issues in The Knapp was running high and to publicly declare Mrs Thornton as vexatious in respect of her correspondence about parking in The Knapp was understandably humiliating for her.
- 7.19 In addition, the minutes of the meeting which contain details of the Motion are widely publicised on the internet, on two parish notice boards and in the Parish News magazine.
- 7.20 I consider the implementation of the Vexatious Complaints Policy in the public arena to be an unreasonable and excessive personal attack on Mrs Thornton as referred to in Standards for England guidance. In his initial response to the complaint Councillor Durie refers to the fact that Mrs Thornton is quoted in the Gazette and Herald as saying that the Council had tried to gag her. It is noted, however, that this article is dated 18th April 2012, one month after the decision to make her vexatious had already been placed in the public domain. Whether Mrs Thornton would have been quoted in the press if the Vexatious Complaints Policy had been implemented in a less public manner is uncertain. However, in the article Councillor Durie confirms the Parish Council's decision to make Mrs Thornton vexatious, thereby doing nothing to limit the inflamed situation.
- 7.21 Standards for England guidance also states that 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. Naming Mrs Thornton in a public meeting does not, in my opinion, amount to treating her with courtesy or consideration.

- 7.22 I therefore conclude that by permitting the Motion to be taken as a part 1 item Councillor Durie has breached paragraph 3(1) of the Code of Conduct.
- 7.23 It is also alleged that Councillor Durie has failed to comply with the following paragraph of the Code of Conduct:
- *5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*
- 7.24 I will look first at Councillor Durie's reference to the 'purported' Knapp Tenants' Association.
- 7.25 Standards for England guidance refers to disrepute being defined, in general terms, as a lack of good reputation or respectability. It goes on to say that a member's behaviour will bring that member's office into disrepute if it reduces the public's confidence in that member being able to fulfil their role.
- 7.26 I do not consider that by using the term 'purported' Councillor Durie has reduced the public's confidence in him being able to fulfil his role. His comment was made in respect of one individual association and was, in many respects, a reflection of some of the public opinion being expressed at Parish Council meetings.
- 7.27 Standards for England guidance refers to a member bringing his authority into disrepute by engaging in dishonest and deceitful behaviour. There is nothing to suggest that Councillor Durie was dishonest or deceitful when he made reference to the purported Tenants Association. In fact, quite the opposite, as his comment was made in a public meeting and was therefore available in the public minutes.
- 7.28 I therefore do not find that by his reference to 'purported' Councillor Durie has brought either his office or authority into disrepute in breach of paragraph 5 of the Code of Conduct.
- 7.29 I will now turn to the taking of the Motion to make Mrs Thornton vexatious as a Part 1 item. In his evidence Councillor Durie confirms that Councillor Raff had done a lot of research in respect of the Vexatious Complaints Policy and that he was keen to put it into practice. Regardless of the desire to utilise the policy Councillor Durie should have taken the necessary steps to implement it in accordance with the procedures contained within it. By not doing so, I believe that his actions could reasonably be regarded as reducing the public's confidence in him being able to fulfil his role. It could also be reasonably regarded as affecting the reputation of members generally.

- 7.30 Standards for England guidance states that conduct by a member which could reasonably be regarded as reducing public confidence in the authority being able to fulfil its functions and duties will bring the authority into disrepute. Members of the public will have noted that the Council introduced a Vexatious Complaints Policy on 8th February 2012. At the following Parish Council meeting the policy was implemented in respect of Mrs Thornton. The manner in which the Parish Council implemented this policy could, in my opinion, reasonably be regarded as reducing the public's confidence in the authority being able to properly fulfil its functions.
- 7.31 Councillor Durie confirms in his evidence that he did not exclude the press and public from the meeting because the Motion was proposed during matters arising and not as a formal agenda item. He states that he was not aware that the public can be excluded from a meeting at the drop of a hat for an item that is not included on the agenda.
- 7.32 Great Bedwyn Parish Council's Standing Orders are silent on the issue of excluding the press and public from a meeting. However, they do refer to the National Association of Local Council's (NALC) Standing Orders for reference to anything that is not covered by the Parish Council's own Standing Orders. NALC Standing Orders are very clear on when a motion can be proposed at a meeting and state that no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer. A list of exclusions to this requirement is provided in the Standing Orders however these do not cover the motion that was proposed by Councillor Raff.
- 7.33 Councillor Durie should not have allowed the motion to make Mrs Thornton vexatious to be proposed and agreed at the meeting on 14th March 2012. By doing so he was in contradiction of the NALC Standing Orders.
- 7.34 For the above reasons I find that by taking the Motion as a Part 1 item Councillor Durie has brought both his office and authority into disrepute in breach of paragraph 5 of the Code of Conduct.

8 Finding

- 8.1 Parking issues in Great Bedwyn are clearly a matter of great interest for a large section of the community and generate a lot of interest from the public. Dealing with the matter has obviously proven to be very resource intensive for the Parish Council. Whatever the Council's reasons for introducing and applying the Vexatious Complaints Policy there is clearly a procedure to be followed.
- 8.2 I have considered all the evidence gathered during the investigation and the specific requirements of the Code of Conduct.

- 8.3 The finding of the Investigating Officer is that Councillor Durie's actions in allowing the Vexatious Complaints Policy to be implemented as a Part 1 agenda item in a public meeting, contrary to Standing Orders, has failed to treat Mrs Thornton with respect and has brought both his office and authority into disrepute in breach of paragraphs 3(1) and 5 of the Code of Conduct.
- 8.4 Whilst it is considered that Councillor Durie's reference to the 'purported' Knapp Tenants' Association was unwise, the Investigating Officer does not find that this element of the complaint has breached either paragraphs 3(1) or 5 of the Code of Conduct.

Appendix A

Schedule of findings of fact

Case No: WC 06/12

1.	Councillor Durie was at the relevant time a member of Great Bedwyn Parish Council.
2.	Mrs Thornton is the Secretary of The Knapp Tenants' Association.
3.	The Knapp Tenants' Association was established by Mrs Thornton in February 2010 as a result of parking difficulties.
4.	The Association has no committee members but there is a Chairman, Secretary and three Link Members. All 5 personnel have voting rights at monthly committee meetings and report issues back to the residents.
5.	Residents of the 38 bungalows in The Knapp are automatically deemed to be members of the Association unless they opt out.
6.	On 8 th December 2010 Mrs Thornton presented a petition and supporting documentation to a meeting of the Parish Council. The petition included the signatures of 46 residents of The Knapp.
7.	Discussions regarding the parking difficulties in Great Bedwyn continued at Parish Council meetings during 2011.
8.	On 30 th September 2011 Councillor Durie sent an email to Mrs Thornton requesting a list of the members of The Knapp Tenants' Association and the minutes of all the monthly meetings since inception.
9.	The minutes of the Parish Council meeting on 12 th October 2011 refer to an email response from The Knapp Tenants' Association indicating a need to edit the minutes prior to presentation to the Parish Council
10.	On 25 th October 2011 Councillor Durie and Councillor Stuart Wheeler met with a representative of Sarsen Housing Association to discuss parking in The Knapp.
11.	Following the meeting on 25 th October 2011 Councillor Durie visited residents in The Knapp to gain their views about the extent of the parking difficulties being experienced.
12.	On 17 th December 2011 Great Bedwyn Parish Council drafted a proposal regarding parking restrictions in The Knapp which it put forward for consultation.
13.	The proposal was discussed at a meeting of the Parish Council on 11 th January 2012. At the meeting two members of the public questioned the membership and validity of The Knapp Tenants' Association.
14.	On 23 rd January 2012 the Clerk, Mr Brinsden, wrote to Mrs Thornton requesting a copy of The Knapp Tenants' Associations' Constitution and copies of the minutes of the last two meetings.

15.	On 24 th January 2012 Mrs Thornton provided an unsigned copy of the Constitution. She advised that a signed copy would be provided with the minutes of the last two meetings once the confidential information included in them had been redacted.
16.	Mr Brinsden acknowledged receipt of the unsigned Constitution on 24 th January 2012.
17.	On 30 th January 2012 Mr Brinsden advised Mrs Thornton that additional correspondence had been received from residents seeking confirmation of the membership of the Association. He repeated his earlier request for documentation and also asked for documentary evidence of the number of residents on whose behalf Mrs Thornton was acting and a statement to confirm that all residents of The Knapp had been made aware of the new parking proposals.
18.	Mrs Thornton responded on 3 rd February 2012 commenting on whether such documentary evidence was requested from other groups and associations.
19.	On 8 th February 2012 Great Bedwyn Parish Council adopted a Vexatious Complaints Policy.
20.	On 10 th February 2012 Mrs Thornton advised Mr Brinsden that the minutes of the last two meetings, and a signed copy of the Constitution, would be provided after the next Tenants' Association meeting.
21.	Mrs Thornton did not provide the Parish Council with the signed Constitution, minutes of the last two meetings or any other documentation concerning the membership of the Association.
22.	Mrs Thornton's refusal to provide this information is based on the grounds that the names of the members of the Association are confidential and no other organisation or group with which the Parish Council interacts is required to submit this information.
23.	Great Bedwyn Parish Council does not usually ask an association for documentation such as that requested from The Knapp Tenants' Association.
24.	At the Parish Council meeting on 14 th March 2012 Councillor Raff proposed a Motion to identify Mrs Thornton and The Knapp Tenants' Association as vexatious and to inform Mrs Thornton of this decision in accordance with the Council's Vexatious Complaints Policy.
25.	The Motion was taken as a Part 1 agenda item and the press and public had not been excluded from the meeting.
26.	The Motion was carried with seven votes and one abstention.
27.	During the discussion of the proposed Motion Councillor Durie referred to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
28.	Over 30 people attended the Parish Council meeting on 14 th March 2012. A considerable number of people were still present at the meeting when the Motion was proposed and discussed, including a member of the press, Val Compton.
29.	Councillor Durie's use of the expression 'purported' was intended by him as a statement. This would appear to Mrs Thornton to be a derogatory statement.

30.	On 28 th March 2012 the Parish Council sent a letter to Mrs Thornton confirming the passing of the Motion and advising her of the implementation of the Vexatious Complaints Policy
31.	At the Parish Council meeting on 11 th April 2012 a post meeting note was added to the minutes regarding the request for documentation from Mrs Thornton.
32.	At the Parish Council meeting on 9 th May 2012 the implementation of the Vexatious Complaints Policy in respect of Mrs Thornton was discussed as a confidential item on the agenda.
33.	Minutes of Great Bedwyn Parish Council meetings are displayed on two village notice boards and they are available to view and download via the online parish document store. They are also included in the Parish News magazine but not always in their entirety.
34.	Councillor Durie used the expression 'purported' in only one Parish Council meeting. The expression was repeated in the minutes of the meeting and in the letter to Mrs Thornton advising her of the implementation of the Vexatious Complaints Policy.

Appendix B

Schedule of evidence taken into account Case No: WC 06/12

Core documents

Doc No	Description	Pages
B1.1	Complaint form submitted by Mrs Thornton on 23 March 2012	23-29
B1.1a	Supplementary email from Mrs Thornton, enclosing a copy of the minutes of the Parish Council meeting on 14 March 2012, dated 26 March 2012	30-32
B1.1b	Email from [REDACTED] provided by Mrs Thornton in support of her complaint on 30 March 2012	33-34
B1.2	Model Code of Conduct adopted by Great Bedwyn Parish Council	35-40
B1.3	Declaration of Acceptance of Office of Councillor Durie dated 27 May 2003	41
B1.4	Register of Members' Interests of Councillor Durie dated 3 May 2011	42-45

Notes of telephone conversations, letters, and interviews with witnesses

Doc No	Description	Pages
B2.1	Councillor Durie's initial written response to the allegations, 3 May 2012	46
B2.2	Record of interview with Mrs Thornton, 8 May 2012	47-49
B2.3	Record of interview with Councillor Durie, 22 May 2012	50-56

Minutes of meetings and other documentary evidence

Doc No	Description	Pages
B3.1	Decision notice of Standards Assessment Sub-Committee, 17 April 2012	57-59
B3.2	Letter from Monitoring Officer appointing Investigating Officer, 19 April 2012	60-61
B3.3	Extract of minutes of Great Bedwyn Parish Council meeting, 8 December 2010 and petition presented to the meeting by Mrs Thornton	62-69
B3.4	Extract of minutes of Great Bedwyn Parish Council meetings, 12 January 2011 to 14 December 2011	70-79
B3.5	Extract of minutes of Great Bedwyn Parish Council meeting, 11 January 2012	80-82
B3.6	Extract of minutes of Great Bedwyn Parish Council meeting, 8 February 2012	83-86

B3.7	Extract of minutes of Great Bedwyn Parish Council meeting, 14 March 2012	87-89
B3.8	Extract of minutes of Great Bedwyn Parish Council meeting, 11 April 2012	90
B3.9	Minutes of Great Bedwyn Parish Council meeting, 9 May 2012	91-93
B3.10	Great Bedwyn Parish Council's parking restriction proposal, 17 December 2011	94
B3.11	Great Bedwyn Parish Council's Vexatious Complaints Policy, adopted 8 February 2012	95-98
B3.12	Great Bedwyn Parish Council's Standing Orders, revised 11 January 2012	99-101
B3.13	Extract from National Association of Local Councils Model Standing Orders for Local Councils	102-106
B3.14	Article in the Wiltshire Gazette and Herald, 18 April 2012	107-108
B3.15	Email from the Parish Council to Mrs Thornton requesting a list of members and minutes of monthly meetings in respect of The Knapp Tenants' Association, 30 September 2011	109
B3.16	Letter from the Parish Council to Mrs Thornton requesting a copy of the Constitution and minutes of the last two meetings, 23 January 2012	110
B3.17	Email from Mrs Thornton providing an unsigned copy of the Constitution, 24 January 2012	111-113
B3.18	Email from the Parish Council to Mrs Thornton acknowledging receipt of the Constitution, 24 January 2012	114
B3.19	Email from the Parish Council to Mrs Thornton requesting additional information, 30 January 2012	115
B3.20	Email from Mrs Thornton seeking clarification about the requests for information, 3 February 2012	116-118
B3.21	Email from Mrs Thornton advising that additional documentation would be provided shortly, 10 February 2012	119
B3.22	Letter to Mrs Thornton advising her of the implementation of the Vexatious Complaints Policy, 28 March 2012	120-121

List of unused materials

None

B1.1

Complaint Form – Members’ Code of Conduct

WC-06/12

Your details

1. Please provide us with your name and contact details

Title	Mrs
First name	Jan
Last name	Thornton
Address	[REDACTED] [REDACTED]
Daytime telephone	[REDACTED]
Evening telephone	[REDACTED]
Mobile	
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)	Secretary of The Knapp Tenants Association

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
[REDACTED]	[REDACTED]	[REDACTED]
Roger	Durie Chairman	Great Bedwyn Parish Council

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.

Please write down the details of your complaint here. Continue on a separate sheet if there is not enough space on this form.

Parish Council meeting 14th March 2012.

Councillor Raff requested to pass a motion. He stated that he wished to apply the Vexatious Complaints Policy to Mrs Jan Thornton, due to the excess of correspondence in particular from last summer.

Mr Durie asked if anyone would second this.

The motion was seconded by Karina Nicholson and passed by a show of hands supporting the motion. Mr Durie did not ask for the against until prompted by a member of the public.

Mr Durie then said aloud that Mrs Jan Thornton of the purported Knapp Tenants Association would no longer be allowed to contact the Parish Council, Wiltshire Council, Caroline Brailey of The Area Board or Claire Perry MP. Mrs Jan Thornton would not be allowed to request information under the Freedom of Information Act. That She would be notified by letter.

There were approx. 40 members of public present.

I was mortified, it was one of the most embarrassing moments I have ever experienced. In the following days this has turned to anger and frustration. It is unacceptable that every time Mr Durie refers to The Knapp Tenants Association he makes the remark 'the purported Knapp Tenants Association'. The Knapp Tenants Association has been in existence since February 2011. We have at present 49 members. We represent the bungalows of The Knapp, we are all Elderly and or Disabled. Our Association has a Constitution. Complaints Policy which has an independent arbiter. Aims and objectives. We have five link members and our work is guided by the Care standards. Confidentiality, dignity, respect, to be pro active in inclusion, equality, fair representation and to support members stay connected to others within our community. The Parish Council has repeatedly requested the names of our members, which I am unable to give with respect to their confidentiality. I am also unable to forward the minutes of our meetings as requested, our Link Members have voted against forwarding this information. The basis of our refusal is that no other organisation or group the Parish Council interacts with is required to submit their members names and minutes. We consider their requests to be prejudicial and to constitute victimisation.

The Bedwyn Parish Vexatious Policy commenced in the week of the 13th to 18th February 2012. It was amended on Thursday 15th March 2012, the day after the meeting. It would therefore be improper for this policy to be applied to periods prior to it's existence. It is also unethical to make any changes to a policy that is being 'applied'.

During the period 13th February 2012 and 14th March 2012 I have written just

three emails. All from The Knapp Tenants Association of which I am the Secretary.

13th Feb. 2012 Correction regarding the Parish Minutes

24th Feb. 2012 Seeking clarification on rejection of proposal

11th March 2012 Response to a request made by the PC.

There were a number of other correspondence listed under correspondence received, but these pre date the February meeting.

Principle 3d, Mr Durie compromises the impartiality of those he works with by his constant derogatory remark regarding the 'purported Knapp Tenants Association'. Mr Durie has repeatedly made this reference over a period of months at public meetings. His behaviour is seen to be acceptable and repeated by others members of the Council and public. This has not promoted inclusion or equality.

Mr Durie is in breach of principle no. 4. He is accountable for his actions and to carry out the responsibilities of his position. He has clearly not done this. He is not leading by a professional manner, he encourages discrimination by his repeated comments of the 'purported Knapp Tenants Association'. He made no attempt to correct Jim Raff or guide him to the correct procedure required. Mr Durie then proceeded to follow through with the inappropriate seconding of motion, and making a public announcement that was not only humiliating to myself, it was clearly not appropriate procedure for the Policy it was aiming to initiate.

I believe that Mr Durie has shown a complete lack of respect for myself and the Association I represent. Section 7 of the Regulations state that he should promote equality not discriminating unlawfully against any person. Yet he makes a point at every opportunity to discredit our Association by referring to us as 'The Purported Knapp Tenants Association'. The Parish Council have never asked ONCE in sixteen months how the parking problems impact on the lives of the elderly and disabled who live at The Knapp. The Parish Council often fails to respond to correspondence in full, if at all. The Knapp Tenants Association repeatedly challenge the minutes of the meetings as being inaccurate, misrepresentational and misleading. We have asked for changes to be made at the start of meetings as advised by the Governance Office and we are just ignored. The Parish Council appears to accept that it is appropriate for minutes of meetings to be changed after being approved and signed off, in one instance we have seen 6 changes to the wording of one document, yet this has never been accounted for at meetings. Mr Brinsden the Parish Clerk has admitted that he cherry picks information for the minutes. This is clearly unhelpful in allowing the public a clear insight to the activities of the Parish Council and the issues it addressess. Mr Durie is not promoting equality, his action and views are openly alienating the most vulnerable community which he is supposed to represent.

Mr Durie has asked repeatedly for the names of our members, which I can not give due to confidentiality, he has asked for minutes of our meetings, which our members voted against providing. I have explained this at great length at the meetings and by email, yet he persists in failing to appreciate our situation.

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.

Browne, Anna

From: jan thornton [REDACTED]
Sent: 26 March 2012 07:39
To: Browne, Anna
Subject: Formal Complaint Great Bedwyn PC
Attachments: March 2012 017.JPG; March 2012 018.JPG

B1.1a

Good morning Anna,

i have attached two photo's taken of the Parish minutes which were placed on the Parish notice board Saturday morning.

I can not look at them, the very thought of it makes me feel physically sick. But i have been advised to forward them to you so that they can be included in the formal complaint against Roger Durie.

I wish to point out that i have still not received any notification from the Parish Council regarding their complaint against me. I should also point out that by silencing me they have silenced 49 of the most vulnerable people in their community, i am the Secretary of The Knapp Tenants Association.

We have tried to explain to them why we can not forward information to them about the tenants, yet they seem to think we are just like any other people in the village. I can not and will not break the laws regarding Confidentiality and Data Protection.

Being persecuted for defending the most vulnerable people in our community is very unpleasant. There is a reason that we live here in sheltered housing, for us it was my Husbands metal health which has been an issue for some years. This level of victimisation against me is now impacting on my husband. After sixteen months trying to resolve the problems we experience here it has brought us to breaking point. Our Chairman resigned because the strain made her ill. The last link member to go to a meeting ended up in Hospital the day after the meeting due to the stress, the other two link members have said that they will never go again because it is such an unpleasant and pointless experience. It leaves only me to go to the meetings, 'last man standing'. We all live here in The Knapp for a reason, that we need supported housing. We are unable to live without support. We have tried so many times to explain this to the PC.

Regards
jan Thornton

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**Draft Minutes of the Parish Council meeting held in the Village Hall on
Wednesday 14th March 2013**

Present: Chris Roger Curle (Chairman), Jerry Clark, Jim Paul, Steve Gibson, Lesley Nicholson, Tom Mellison, Alex Gibbons and Robert Burton, Jean Bar Bortings and the Rodwys, Cabinet member for
Community Development and Culture, Stuart Wheeler, Fe Teresa Herbert and over 30 members of the public.

Apologies: Chris Gordon Stone, Charles Howell and Paul Knowler.

Minutes: The minutes of the February monthly meeting were approved, and signed.

Declaration of Interests: Councillors were invited to declare any interest in items on the Agenda.
There were no declarations of interest.

Public Discussion:

- Ruth Francis handed to the Chairman 2 further sheets of the petition containing 33 signatures, objecting to the proposed introduction of yellow lines. (Total number of signatures 253)

- **Prudence Collett-Jobey** stated that the distribution of leaflets to residents of The Knapp was unacceptable threatening behavior, and were delivered to vulnerable residents.

The leaflets were referring to the proposed parking restrictions in The Knapp.

- **Ruth Francis** responded by saying that the leaflets were not threatening, and had been delivered to residents in other parts of the village. See below for leaflet:

IMPORTANT INFORMATION - PLEASE READ

Are you aware that there is a proposed parking scheme which will result in The Knapp (including the car-de-sacs) having double-yellow lines and restricted on-street parking bays which will reduce the number of unrestricted spaces in the car-de-sacs? Residents of The Knapp can be expected to pay behind the fence. Do you want traffic wardens in the village? The plans are on the Parish notice boards. If you are opposed to this scheme petitions are available to sign at The Shop, The Office, Bakery and Hairdresser. Alternatively, make your views known to Roger Curle (Chairman, Parish Council) at 670955 and/or Stuart Wheeler (County Councillor) at 670955. Please bring this to the next Parish Council meeting on Wednesday, 2nd February. Thank you.

- **Jan Thornton** responded by saying that when the leaflets were delivered, the residents of The Knapp had no electric power and were feeling vulnerable. There was no life line available, and they had a fear of falling. There had been a massive change within The Knapp and therefore it had been a difficult year.

Matters Arising:

1. Traffic Items

a) Bus route and station parking (RDCAB)

A meeting with Network Rail and First Great Western has taken place. First Great Western have applied for grant funding from a government fund for station improvement, and the outcome should be known by mid-June, and if approved could be implemented by the end of the year.

The Chairman read out the draft statement from Wiltshire Highways for the Parish Council meeting, to be sent to all interested residents and complainants, as follows:

1. Network Rail/First Great Western have applied to the DfT for funding to provide an expanded station car park.
2. It is proposed that no further work is carried on parking restrictions until the outcome of application for funding is known.
3. If the application is approved it might resolve the parking problem, or it might make the problem worse should Network Rail decide to charge for parking.

If the application is approved it might resolve the parking problem, or it might make the problem worse should Network Rail decide to charge for parking.

4. If the application is rejected the current discussions about the parking problems and possible solutions can be restarted.
5. If the application is approved Wiltshire Council will revisit the parking issues six months after the car park has been completed to establish if any charges are necessary.
6. In the interim the requested advisory disabled bays will be implemented together with advisory white lines to protect dropped kerbs. Advisory restrictions are not enforceable. Normally advisory restrictions do not require consultation but in this case they will be the subject of a delegated decision by the Cabinet Member for Highways and will be sent to all those who have communicated with the Council on this matter so that they can comment.
7. It has been suggested that white lines could be laid in problem areas, however these would not be enforceable. It has been suggested that white lines might be appropriate in The Knapp it might be helpful in discouraging inconsiderate parking particularly where a problem is isolated and a traffic regulation order could not be justified or easily enforced. The advice from officers is that the use of white lines should be restricted to protect access to dropped kerbs. As a result white lines will not be implemented except in the areas already mentioned.
8. It has also been suggested that limited waiting restrictions might be implemented in the cul-de-sacs and to areas to protect the bell mouths of the cul-de-sacs. However this does not address the parking issues elsewhere and any impact, positive or negative, of the new station car parks should be approved. Due to cost implications the Council's policy is not to implement parking restrictions proactively. If an alternative way of funding is put forward it will be considered, the cost is in the order of £3000.

The Chairman proposed a motion that the proposals from Network Rail should be considered before a decision was made regarding road markings.

There was unanimous acceptance of this motion.

The Chairman stated, in response to a question, that it was thought that a charge of approx. 30p per day would be levied at season ticket holders, if the car park was extended.

The Council then proposed a motion:

To identify Mrs Jan Thornton and the Group purporting to represent itself as The Knapp Tenants Association as vexatious and to inform Mrs Thornton of this decision in accordance with the Vexatious Complaints Policy adopted by Great Bedwyn Parish Council in February 2012.

To inform the complainant of the following:

• Why the decision has been taken

Due to continuing and unreasonable adversarial and aggressive correspondence with the Parish Council complaining about matters that have been dealt with by the Parish Council or have been disposed of during public meetings or in correspondence.

• What action will be taken

The complainant will be provided with a copy of the Parish Council's Vexatious Complaints Policy and informed that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of parking in The Knapp and any correspondence concerning this subject will be received and read by the Parish Council Chairman and Clerk only.

• The duration of this action

This action will be maintained for a period not longer than 6 months and will be reviewed by the Parish Council at the end of that period.

Officers of Wiltshire Council and The Area Board will be informed of this action as will Mr Peter Day MP.

The motion was carried 7 votes for and one abstention.

Browne, Anna

From: jan thornton [REDACTED]
Sent: 30 March 2012 21:34
To: Wilton, Nina; Browne, Anna; Wiltshire, Roger
Subject: FW: Support for complaint against Roger Durie [REDACTED]

B1.16

Dear Mrs Wilton,

With regard to my formal complaint against [REDACTED] Roger Durie of Great Bedwyn Parish Council, please find attached below a supporting email from [REDACTED]

I understand that [REDACTED] evidence can be included with my formal complaint.

I have yet to receive any notification from the Parish Council regarding the vexatious complaint against me. However, details of the complaint, including my name have now been published in The Parish Magazine and in the Parish minutes which are on public display on the Parish notice boards.

I believe that the act of naming me publicly is in breach of the Data Protection Act, and whilst attempting to deny me access to my MP is a breach of my Human Rights.

Should the Parish Council make any formal contact with me regarding implementation of the Vexatious Policy, i will advise you directly.

Many Thanks
jan Thornton

Date: Fri, 30 Mar 2012 20:54:43 +0100
Subject: Fwd: Support for complaint against Roger Durie [REDACTED]
From: [REDACTED]
To: [REDACTED]
CC: [REDACTED]

Jan,

If you forward this mail to the wiltshire CC email address and CC Roger Wiltshire in, stating that you are happy to have it added to your complaint, then that will happen.

rgds,

[REDACTED]

----- Forwarded message -----

From: [REDACTED]
Date: 22 March 2012 16:32
Subject: Support for complaint against Roger Durie [REDACTED]
To: nina.wilton@wiltshire.gov.uk, anna.brown@wiltshire.gov.uk

Dear Mrs Wilton,

I understand there is a complaint against the behaviour of the above two individuals of Bedwyn Parish council, regarding their failure to adhere to the code of conduct expected of councillors.

I was in the March Bedwyn PC meeting and witnessed a level of behaviour from the councillors that can only be described as vindictive. Whilst it is obviously difficult to deal with questions from villagers within the parish - this is unfortunately part of the role they have chosen to take on. The Bedwyn PC are particularly bad at responding to communications in a timely or complete fashion which then often leads to further communications from residents - from my own experience what could have been a very simple two or three emails ends up being more as you vainly try to get actual answers from people.

Even looking at the fact that many communications have come from Mrs Thornton to the PC, the public naming and shaming of her in the meeting on the 14th March was unnecessary - ignoring of course the fact that the PC have failed to follow their own process for vexatious complainants by failing to provide any warning letter. Given that they only approved the process at the February meeting you might have expected that they would have checked what they had agreed they should do BEFORE attempting to apply the process for the first time - However this level of governance and professionalism is unfortunately what I have come to expect from Mr Duries leadership.

I understand that the standards sub-committee advised Bedwyn PC last year that they needed to look at the governance of the council, the chairing of the meeting and knowledge of diversity and equality.

Given that there has been no public acknowledgement by the PC of the needs of the residents of the Knapp, and the obligations that the equality act places on the PC and the CC - the PC appears to be consistently failing on that aspect of your advice to them. The failure to follow their own processes in relation to the vexatious complainants process would suggest that the Governance issues you highlighted continue to exist as well.

I believe that the Governance of Bedwyn PC continues to fall short of the levels that WC would expect and that this issue needs to be addressed by the standards sub-committee. Whilst I could submit my own complaint against Mr. Durie I would prefer to add my voice to the existing one.

If you require any more information about my experience and views of this particular issue please feel free to contact me.

Many thanks,



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Local Authorities (Model Code of Conduct) Order 2007 No.1159

**THE MODEL CODE OF CONDUCT
FOR PARISH AND TOWN COUNCILS**

Part 1**General provisions****Introduction and interpretation**

1.—(1) This Code applies to **you** as a member of an authority.

(2) You should read this Code together with the general principles prescribed by the Secretary of State (see Annexure to this Code).

(3) It is your responsibility to comply with the provisions of this Code.

(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

(b) any of the authority’s committees or sub-committees, joint committees or joint sub-committees;

“member” includes a co-opted member and an appointed member.

(5) References to an authority’s monitoring officer and an authority’s standards committee shall be read, respectively, as references to the monitoring officer and the standards committee of the district council or unitary county council which has functions in relation to the parish council for which it is responsible under section 55(12) of the Local Government Act 2000.

Scope

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.

(2) Subject to sub-paragraphs (3) and (4), this Code does not have effect in relation to your conduct other than where it is in your official capacity.

(3) In addition to having effect in relation to conduct in your official capacity, paragraphs 3(2)(c), 5 and 6(a) also have effect, at any other time, where that conduct constitutes a criminal offence for which you have been convicted.

(4) Conduct to which this Code applies (whether that is conduct in your official capacity or conduct mentioned in sub-paragraph (3)) includes a criminal offence for which you are convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).

(5) Where you act as a representative of your authority—

(a) on another relevant authority, you must, when acting for that other authority, comply with that other authority’s code of conduct; or

(b) on any other body, you must, when acting for that other body, comply with your authority’s code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

General obligations

- 3.—(1) You must treat others with respect.
- (2) You must not—
- (a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a));
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be—
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
4. You must not—
- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is—
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
 - (b) prevent another person from gaining access to information to which that person is entitled by law.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
6. You—
- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
 - (b) must, when using or authorising the use by others of the resources of your authority—
 - (i) act in accordance with your authority's reasonable requirements; and
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes).
 - (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
7. Paragraph 7 does not apply to your authority.

(a) 2006 c.3.

Part 2

Interests

Personal interests

8.—(1) You have a personal interest in any business of your authority where either—

- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),
of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of—
 - (i) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (ii) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's area.

(2) In sub-paragraph (1)(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association;
or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

Disclosure of personal interests

9.—(1) Subject to sub-paragraphs (2) to (5), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

(2) Where you have a personal interest in any business of your authority which relates to or is likely to affect a person described in paragraph 8(1)(a)(i) or 8(1)(a)(ii)(aa), you need only disclose to the meeting the existence and nature of that interest when you address the meeting on that business.

(3) Where you have a personal interest in any business of the authority of the type mentioned in paragraph 8(1)(a)(viii), you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

(4) Sub-paragraph (1) only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

(5) Where you have a personal interest but, by virtue of paragraph 14, sensitive information relating to it is not registered in your authority's register of members' interests, you must indicate to the meeting that you have a personal interest, but need not disclose the sensitive information to the meeting.

Prejudicial interest generally

10.—(1) Subject to sub-paragraph (2), where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest.

(2) You do not have a prejudicial interest in any business of the authority where that business—

- (a) does not affect your financial position or the financial position of a person or body described in paragraph 8;
- (b) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8; or
- (c) relates to the functions of your authority in respect of—
 - (i) this sub-paragraph does not apply to your authority;
 - (ii) this sub-paragraph does not apply to your authority;
 - (iii) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - (iv) an allowance, payment or indemnity given to members;
 - (v) any ceremonial honour given to members; and
 - (vi) setting council tax or a precept under the Local Government Finance Act 1992.

11. Paragraph 11 does not apply to your authority.

Effect of prejudicial interests on participation

12.—(1) Subject to sub-paragraph (2), where you have a prejudicial interest in any business of your authority—

(a) you must withdraw from the room or chamber where a meeting considering the business is being held—

(i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;

(ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;

unless you have obtained a dispensation from your authority's standards committee; and

(b) you must not seek improperly to influence a decision about that business.

(2) Where you have a prejudicial interest in any business of your authority, you may attend a meeting but only for the purpose of making representations, answering questions or giving evidence relating to the business, provided that the public are also allowed to attend the meeting for the same purpose, whether under a statutory right or otherwise.

Part 3

Registration of Members' Interests

Registration of members' interests

13.—(1) Subject to paragraph 14, you must, within 28 days of—

(a) this Code being adopted by or applied to your authority; or

(b) your election or appointment to office (where that is later),

register in your authority's register of members' interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's monitoring officer.

(2) Subject to paragraph 14, you must, within 28 days of becoming aware of any new personal interest or change to any personal interest registered under paragraph (1), register details of that new personal interest or change by providing written notification to your authority's monitoring officer.

Sensitive information

14.—(1) Where you consider that the information relating to any of your personal interests is sensitive information, and your authority's monitoring officer agrees, you need not include that information when registering that interest, or, as the case may be, a change to that interest under paragraph 13.

(2) You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph (1) is no longer sensitive information, notify your authority's monitoring officer asking that the information be included in your authority's register of members' interests.

(3) In this Code, "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subjected to violence or intimidation.

Annexure - The Ten General Principles

The general principles governing your conduct under the *Relevant Authorities (General Principles) Order 2001* are set out below:

Selflessness

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

Honesty and Integrity

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

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

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

DECLARATION OF ACCEPTANCE OF OFFICE

I ROGER DURIE (1) having been elected to the office
of MEMBER (2) of GREAT BROWN PARISH COUNCIL (3) declare that I
take that office upon myself, and will duly and faithfully fulfil the duties of it according
to the best of my judgement and ability.

I undertake to observe the code as to the conduct which is expected of members
of GREAT BROWN PARISH COUNCIL (4).

Signed  Date 27/5/03

This declaration was made and signed before me,

Signed... 

Proper officer of the council (5).

- (1) Insert the name of the person making the declaration.
- (2) Insert "member", "Chairman" or "Mayor" as appropriate.
- (3) And (4) Insert the name of the authority of which the person making the declaration is a member or mayor.
- (5) 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.

(Note: Under section 83(3) of the Local Government Act 1972, a declaration for members or elected mayors of a county, district or London borough council shall be made before two members of the council, its elected mayor, its proper officer a justice of the peace or magistrate in the United Kingdom, the Channel Isles or the Isle of Man or a commissioner appointed to administer oaths in the Supreme Court. A declaration for members of parish councils shall be made before a member or the proper officer of the council.

The form and wording of this Declaration of Acceptance of Office and the acceptance of the Code of Conduct are set out in "The Local Elections (Declaration of Acceptance of Office) Order 2001

✓
B1.4

REGISTER OF MEMBERS' INTERESTS
GENERAL NOTICE OF REGISTERABLE INTERESTS

I, Roger Durie
a member of Great Bedwyn Parish Council

give notice that

I have no registerable interests which are required to be declared under the Council's Code of Conduct, and I have put 'none' where I have no such interests under any heading.

Employment, business, profession or vocation

1. You should show every employment, business, profession or vocation that you have to declare for income tax purposes.

Mortgage Adviser.....

2. Give a short description of the nature of your job: for example, "Computer Operator" or "Accountant".

Mortgage Adviser.....

3. Employees should give the name of their employer. If employed by a company, give the name of the company paying your wages or salary, not that of the ultimate holding company.

SELF - EMPLOYED.....

Sponsorship

4. You should declare the name of any person or body other than a Council of which you are a member who has made any payments to you in the last year towards your expenses as a councillor or towards your election expenses. You do not need to declare the amounts of any payments: only the name of the person or body making them.

None.....
.....
.....

Contracts with the authority

5. You should describe all contracts, of which you are aware, which are not fully discharged, and which are:
 - (a) contracts for the supply of goods, services or works to the authority or on the authority's behalf, and

(b) between the authority of which you are a member, and either yourself or a company in which you have a beneficial interest or of which you are a remunerated director or a firm in which you are a partner.

6. You need not say what the financial arrangements are, but should say for how long the contract is.

None.....
.....
.....
.....

Land in the area of the authority

7. You should include any land in the area of the authority in which you have a beneficial interest (that is, in which you have some proprietary interest for your own benefit). You should give the address or a brief description or by reference to a plan if necessary to identify it. If you live in the authority's area you should include your home under this heading as owner, lessee or tenant.

8. You should also include any property from which you receive rent, or of which you are the mortgagee.

9. "Land" includes any buildings or parts of buildings.

4 Foxbury Place, Great Bedwyn - owner
.....

Licences to occupy land

10. You should include land in the area of the authority which you (alone or jointly with others) have a right to occupy for 28 days or longer, but neither own nor have a tenancy of. You should give the address or a brief description or by reference to a plan if necessary to identify it.

11. "Land" includes any buildings or part of buildings.

None.....
.....
.....
.....

Corporate tenancies

12. You should list any tenancies of property (of which you are aware) where the landlord is the authority of which you are a member, and the tenant is a company in which you have a beneficial interest, or of which you are a remunerated director or a firm in which you are a partner.

None.....
.....
.....
.....

Interests in companies and securities

- 13. You should list the names of any companies, industrial and provident societies, or other bodies corporate that (to your knowledge) are active in the authority's area and in which you have a substantial interest. You do not need to show the extent of your interest.
- 14. You have a substantial interest if you own shares or other securities in the company with a nominal value of more than £25,000 or more than 1/100th of the issued shares or securities. If there are several classes of shares or securities, the fraction of 1/100th applies to any of those classes. These limits also apply to deposits with industrial and provident societies, and co-operative societies.
- 15. A company or body corporate is active in an authority's area if it has land or a place of business in that area.
- 16. The requirement also covers shares and securities held in the name of other people in which you have a beneficial interest.

None.....
.....
.....
.....

Membership of other bodies

- 17. You should list any membership of or position of general control or management in any:-
 - (a) body to which you have been appointed or nominated by the authority as its representative;

... None.....
.....

- (b) public authority or body exercising functions of a public nature;

..... None.....
.....

(c) company, industrial and provident society, charity, or body directed to charitable purposes;

.....None.....

(d) body whose principal purposes include the influence of public opinion or policy; and

.....None.....

(e) trade union or professional association.

.....None.....

Changes to Registered Interests

18. I understand that I must, within 28 days of becoming aware of any change to the above interests, provide written notification to the Council's Monitoring Officer at Wiltshire Council, of that change.

I recognise that it is a breach of the Council's Code of Conduct to:

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to
 - bring up to date information given in this notice;
 - declare an interest that I acquire after the date of this notice and have to declare

and that any breach of the Code of Conduct can be referred to Standards for England.



Signed: Roger Durie

Date:3rd

May

2011.....

RECEIVED

Signed: 
Monitoring Officer, Wiltshire Council

Date: 20 May 2011

Lindsay, Marie

B2.1

From: [REDACTED]
Sent: 03 May 2012 15:23
To: Lindsay, Marie
Cc: [REDACTED]
Subject: Code of conduct complaint WC06/12 - previously stated by WC as no further action
Attachments: MinutesMarch2012.doc

Dear Marie,

Following our conversation this afternoon I am attaching a copy of the minutes of the March Parish Council meeting as promised (I have highlighted the relevant section in blue).

As you will see from the minutes the proposal by councillor Raff was made under 'Matters arising' but most members of the public had opted to stay throughout the meeting, hence their presence.

Mrs Thornton's statement that I said she would not be allowed to contact The Parish Council and other bodies/people is **not true**. My only comment was that we (the Parish Council) would be able to ignore future communications from her following the warning letter re 'vexatious'.

With regard to my referring to the 'purported' Knapp Tenants Association, I did so because despite numerous requests from the PC, Mrs Thornton has failed to supply documentary evidence of the KTAs formal existence.

For your information Mrs Thornton was quoted in the Wiltshire Gazette & Herald two weeks ago saying that the council had tried to 'gag' her. Our reason for declaring her vexatious is the amount of work that she has caused and the effect on our other business of this additional work.

Kind regards,

Roger Durie
Chairman
Great Bedwyn Parish Council

[REDACTED]

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For more information please visit <http://www.symanteccloud.com>

Code of Conduct case reference – WC06/12

Statement of – Mrs J Thornton

Complainant/Subject Member/Witness – Complainant

Date of interview – 8 May 2012

Place of interview – Telephone interview

Interviewer – Mrs Marie Lindsay

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 – 24/5/12

Mrs Thornton advised that the Knapp Tenants Association was established by her in February 2010. It was established as a result of difficulties that residents in The Knapp were experiencing with parking at the time and she was advised by Sarsen Housing Association that it would be a good idea to set up a Tenants Association. The Tenants Association was set up in line with Care Standards and has a Constitution, which includes a complaints procedure.

The Knapp Tenants Association represents the 38 bungalows in The Knapp and everyone is automatically a member unless they specifically opt out. At present there are 30 members. Of the remaining 8 residents, some have opted out and some have recently died. The Association has no committee members but there is a Chairman, Secretary and 3 Link Members. The Chairman and Secretary are also Link Members, making 5 Link Members in total. The Link Members have voting rights at the monthly Committee meetings and report issues back to the residents. All members of the Association are also invited to attend. The Link Members vote on management decisions. We conduct surveys to ensure we represent all members.

Mrs Thornton is the Secretary of the Association. She evolved into the role because she held a lot of information about the particular issues facing the residents of The

Signature - 

Dated – 24/5/12

Knapp. The Chairman stepped down in January 2012 and the position is currently vacant and will be reviewed within the next few months.

Mrs Thornton advised that Great Bedwyn Parish Council first requested documentary evidence of the existence of The Knapp Tenants Association in January 2012. Within a couple of hours of receiving the request Mrs Thornton emailed an unsigned copy of the Constitution to the Parish Clerk. She did not provide a copy of the minutes of Committee meetings because she wished first to redact the confidential information contained within them. Also, Mrs Thornton knew from previous general conversations with members of the Association that they would not want their names to be made known to the Parish Council. After considering the matter further, the five Link Members voted not to send any redacted minutes to the Parish Council or to divulge the names of the Association's members. This decision was taken in order to protect the members.

The Parish Council has continued to ask for a copy of the signed Constitution, minutes of Committee meetings and names of the residents who are members of The Knapp Tenants Association. Mrs Thornton considers these continued requests for information and refusal by the Parish Council to recognise the Association, as victimisation. No other Group is continually asked by the Parish Council to provide such evidence and Mrs Thornton views this as an attempt to discredit The Knapp Tenants Association. The Parish Council has posted notices on the two village notice boards stating that The Knapp Tenants Association, despite repeated requests, has not been forthcoming with the requested information.

Mrs Thornton always represents The Knapp Tenants Association at Parish Council meetings because others, who have attended, have refused to go back due to the upset and anger experienced by them as a result of the behaviour of the Parish Council. Mrs Thornton feels that she has to attend the Parish Council meetings to represent the residents, and she states that she can't afford not to go.

Mrs Thornton advises that there were about 40 members of the public present at the Great Bedwyn Parish Council meeting on 14th March 2012, including 3 people from The Knapp Tenants Association, 2 other supporters and a member of the press. During the public discussion [REDACTED] asked the Parish Council if they would put a notice in the Parish magazine about the recent delivery of leaflets to residents concerning the proposed parking restrictions in The Knapp. Councillor Durie failed to respond to [REDACTED] question and [REDACTED] subsequently walked away. In view of the lack of response from Councillor Durie Mrs

Signature -

[REDACTED]

Dated - 24/5/12

Thornton then stood up and advised the Parish Council that when the leaflets had been delivered to The Knapp the telephone lines had been down and the residents were feeling particularly vulnerable. Then, out of the blue, Councillor Raff proposed a motion to make Mrs Thornton and The Knapp Tenants Association vexatious. Councillor Durie asked if anyone would like to second the motion and it was duly seconded by Councillor Nicholson and passed by the Council.

Mrs Thornton was extremely embarrassed by these events which occurred in front of approximately 40 members of the public. Councillor Durie referred to the 'purported' Knapp Tenants Association in such a way, and with such a tone of voice, that was disrespectful. Mrs Thornton considers Councillor Durie's continual referral to the 'purported' Tenants Association to be intimidation and she states that it has the effect of isolating the Group within the community. The Parish Council's prejudice against the Tenants Association is perpetuated by Councillor Durie's referral to it as 'purported'. The reference to 'purported' is used by the Parish Council on its notice board, in blogs and on websites.

At the Parish Council meeting on 14th March 2012 Councillor Durie told those present that the decision to make Mrs Thornton and The Knapp Tenants Association vexatious would take place with immediate effect. However, in a subsequent letter from the Parish Council the decision has been watered down to a warning. The decision taken at the meeting has been posted on the Parish Council's website and on village notice boards and in the parish magazine.

Signature



Dated - 24/5/12

Code of Conduct case reference – WC06/12

Statement of – Councillor R Durie

Complainant/Subject Member/Witness – Subject Member

Date of interview – 22 May 2012

Place of interview – Councillor Durie's home address

Interviewer – Mrs Marie Lindsay

This statement, consisting of 5 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 – 11/6/2012

Councillor Durie advised that he has been a member of Great Bedwyn Parish Council for approximately 10 years and the Chairman of the Parish Council for the last two or three years.

Councillor Durie confirmed that the Council rarely holds confidential sessions where the press and public are excluded from meetings. He can recall only two occasions where this has occurred. Public attendance at meetings has become more of an issue since the parking issues began, as prior to this the public only tended to stay for the public discussion session. More recently the public have tended to stay for the duration of the meeting.

Councillor Durie advised that there were over 30 members of the public present during the public discussion session at the Parish Council meeting on 14th March 2012. A member of the press, Val Compton, sometimes attends the meetings but Councillor Durie cannot recall whether she was present at this particular meeting. At the time that the motion in respect of Mrs Thornton was proposed and carried, during the matters arising item, there were less than 20 members of the public present at the meeting.

Councillor Durie advises that the Parish Council adopted its complaints policy, including a Vexatious Complaints Policy, at its meeting on 8th February 2012. The policies were adopted for the purpose of dealing with some of the issues that have

Signature 

Dated – 11/6/2012

arisen during the last 12 months to do with parking. The Parish Council had been looking at the parking issues in the Knapp in 2010 when Mrs Thornton first contacted them, however for the last 14 or 15 months the issue of parking, and its repercussions, has totally dominated Parish Council business. Councillor Durie explains that Councillor Raff had done a lot of research in respect of the Vexatious Complaints Policy and he was keen to put it into practice. Councillor Durie cannot remember who seconded Councillor Raff's motion but he confirms that it was agreed by all councillors present, except for one abstention. Councillor Durie did not exclude the press and public from the meeting because the motion was proposed during matters arising and not as a formal agenda item. He is not aware that the public can be excluded from a meeting at the drop of a hat for an item that is not on the agenda.

The motion proposed by Councillor Raff was to implement the Vexatious Complaints Policy in the proper format, and the decision taken was to issue a warning letter to Mrs Thornton. The actual implementation of the vexatious policy in respect of Mrs Thornton was discussed at the Parish Council meeting on 9th May 2012 as a confidential item on the agenda.

Councillor Durie confirmed that the minutes of Parish Council meetings are displayed on two notice boards and they are also available to view and download via the online parish document store. They are also included in the Parish News magazine although not always in their entirety as this is at the discretion of the editor. Confidential business is not included in the minutes and is available to councillors only via a secure section of the online document store.

The Parish Council first requested documentation about The Knapp Tenants Association in early summer 2011. This was as a result of comments made by the public during the public discussion sessions at Parish Council meetings that there was no evidence available of the membership of The Knapp Tenants Association.

In November or December 2011 Councillor Durie met with Councillor Stuart Wheeler, the Wiltshire Council member for Burbage and The Bedwyns, and Sarsen Housing Association to talk about parking in The Knapp. They were aware that they had only been hearing of the parking problems in The Knapp from one source and they were not convinced that the parking issues raised by Mrs Thornton were as severe as stated, or that her views were shared by the residents of The Knapp. As a result of this meeting it was agreed that Councillor Durie would visit residents of The Knapp with [REDACTED] of [REDACTED]. Only one such day of visits took place because a complaint was subsequently made to [REDACTED] [REDACTED] about the fact that Councillor Durie had been

Signature [REDACTED]

Dated –

11/6/2012

present during the visits and he was advised by the [REDACTED] that he would not be able to accompany [REDACTED] on any further visits. No further visits were made by Councillor Durie because he didn't want to go unaccompanied. Mrs Thornton also made it clear to the Parish Council that she did not want members of the Council visiting any of the residents of The Knapp.

Councillor Durie advises that the feedback from the one day of visits that he did make was that the parking situation was not as dire as he had been led to believe. The visit confirmed his doubts that Mrs Thornton did not truly represent the views of all the tenants of The Knapp. None of those tenants he visited said much about the Association and some appeared to be almost embarrassed about it. Councillor Durie's view is that some of the residents may find Mrs Thornton a bit awe inspiring.

Councillor Durie confirmed that the people referred to in the minutes of the Parish Council meeting of 11th January 2012 who raised questions about the validity of The Knapp Tenants Association, Karen Gardener and Kevin Challen, are ordinary members of the public.

The Parish Council has only ever received an unsigned copy of The Knapp Tenants' Association's Constitution. They have never received any other documents from Mrs Thornton, who has given various reasons for not producing the requested documentation. Councillor Durie confirms that the Parish Council were not looking for personal information but for an assurance of credibility in respect of The Knapp Tenants' Association. He adds that it is easy someone to call themselves an association but trying to substantiate the fact may be difficult.

Councillor Durie advises that the Parish Council does not usually ask an association for proof of its existence. For example, it has not asked for any such documentation from the Great Bedwyn Train Passenger Group because they are open in their dealings with the Council. However, Mrs Thornton plays her cards very close to her chest and there exists a nagging doubt about the membership of the Association.

With regard to his use of the word 'purported', Councillor Durie states that he has used this expression in only one meeting and in one letter. The meeting was that which was held on 14th March 2012 and the letter was that which was sent to Mrs Thornton issuing her with a warning about the vexatious procedure following the meeting on 14th March.

Councillor Durie advises that at the meeting on 14th March he made the reference to 'purported' as an off the cuff comment. It was said as a reflection of a lot of public opinion and the concern of other members of the Parish Council. He had tried to establish the validity of the Association and had got nothing back and this was his way of emphasising that he had received nothing back from Mrs Thornton. Councillor

Signature [REDACTED]

Dated -

11/7/2012

Raff did not use the word 'purported' in his motion, it was said by Councillor Durie during the discussion about the motion. The clerk, when recording the wording of the motion, used the word 'purported' in the minutes.

Councillor Durie cannot recall in what tone he used the expression but he confirms that it was said as a statement and not in a particularly derogatory manner.

With regard to the minutes of the Parish Council meeting of 11th April 2012 Councillor Durie confirms that, as far as he is aware, this is the only time that a post meeting note has been placed on the minutes with regard to the request for information from Mrs Thornton. It is not normal practice.

With regard to the petition presented by Mrs Thornton to the Parish Council meeting in December 2010, Councillor Durie confirmed that the petition did include signatures of residents of The Knapp. However, he points out that they are the signatures of residents of The Knapp and not the signatures of members of The Knapp Tenants Association.

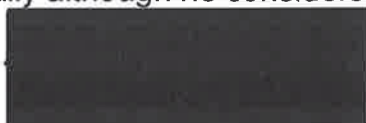
Councillor Durie adds that Mrs Thornton's complaint suggests that the Parish Council has ignored her when, in fact, the reality is totally different. Meetings have been arranged with Network Rail and Wiltshire Council to try to address the parking issues, and delays in getting the parking restriction proposals from Wiltshire Council were outside the Parish Council's control. The Parish Council responded to initial parking issues raised by Mrs Thornton by making an arrangement for carers and visitors to park behind the flats, an action which remedied the problem for these two groups.

Councillor Durie refers to the first attendance at a Parish Council meeting in March 2011 by the previous Chairman of The Knapp Tenants' Association, Mrs Collett-Joby. Councillor Durie states that at this meeting Mrs Collett-Joby was vociferous and rude and the minutes of the meeting refer to an accusatory speech in which the Parish Council were accused of doing nothing. The Parish Council advised her that they would be willing to take her comments about parking issues into account if she put them in writing but she never did.

Councillor Durie points out that the parking problems are village wide and do not just relate to The Knapp. Some residents feel that The Knapp is getting more attention from the Parish Council than the other parts of the village and there is disquiet about that.

Finally, Councillor Durie wishes it to be known that Mrs Thornton has verbally attacked him in the street in front of witnesses. He has decided not to pursue the matter legally although he considers the attack to be of such a nature that he would

Signature



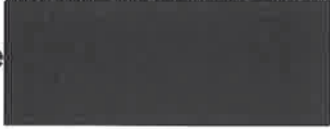
Dated –

11/2/2012

be within his rights to do so. Councillor Durie wishes this to be known in order to put the complaint into perspective.

During his interview Councillor Durie provided a copy of a letter dated 5th March 2012 to Clair Perry MP setting out the Parish Council's position with regard to the parking issues in The Knapp and Great Bedwyn generally.

Signature



Dated -

11/6/2012

Great Bedwyn Parish Council



Claire Perry MP
House of Commons
London
SW1A 0AA

5th March 2012

Dear Claire,

Commuter Parking at The Knapp, Great Bedwyn

Following our correspondence in April last year and my copy of a letter to Mrs Thornton sent to you in September, I have circulated the letters you received recently from Mrs Thornton and [REDACTED] to our councillors, who have urged me to respond as follows.

These two people together with [REDACTED] have been running a vexatious campaign against the Parish Council over the last year with the single purpose of imposing their own preferred solution on the residents of Great Bedwyn. They have exaggerated the difficulties and have deliberately misrepresented the work of the Parish Council.

Throughout this period the PC has tolerated considerable aggression and unpleasantness from those concerned whilst endeavouring to find solutions to the issues. We have involved Network Rail, First Great Western, Wiltshire Highways, Sarsen Housing, The Great Bedwyn Passenger Group and our Area Board in trying to solve the parking and traffic issues.

In the last few months we have had some success in finding an additional fifteen parking spaces in the Knapp for residents and their relatives, carers and health professionals. This was agreed at a meeting with Sarsen Housing last October and will shortly be marked out behind the flats in The Knapp by the new Management Company, Aster Communities.

Following negotiations with Network Rail since mid-2011 and a meeting with them and First Great Western on February 14th, First Great Western have applied for funding to extend the station car park on Network Rail land. We expect to hear in early May if this application has been successful.

Wiltshire Council have provided two schemes for parking restrictions, but both have been rejected. The first by both the Parish Council and residents and the second by a significant number of residents (a petition signed by 220 the majority of whom were residents) who having had the opportunity to see the proposals fear that yellow line restrictions will force commuters to park elsewhere in the village, which is already very congested.

It is a fact that The Parish Council originally unanimously supported the second proposal for parking restrictions in The Knapp, but this was always 'subject to public consultation' although this was omitted from the draft minutes of our December Meeting. An article was published in the January 'Parish News' detailing the proposal and stating that it was supported by the Parish Council but subject to suitable feedback/lack of complaints from residents. Our minutes were amended at the January meeting before final approval. I do not think that this makes them mendacious.

The signed petition we received in February, following the public consultation period, was a clear rejection of the latest proposals by the village and this must be respected in a democratic framework. In contrast we have received no evidence whatsoever that the Knapp Tenants Association has the legitimacy that Mrs Thornton claims, despite making several requests of her for evidence of membership, meeting minutes etc.

I hope that you will acknowledge that the Council has gone to great lengths to improve the situation in The Knapp whilst acknowledging the concerns of the whole community

Yours sincerely,

Roger Durie
Chairman
Great Bedwyn Parish Council

B3.1

DECISION NOTICE: REFER FOR INVESTIGATION

Reference WC – 06/12

Subject Member

Roger Durie – Great Bedwyn Parish Council

Complainant

Jan Thornton

Assessment Sub-Committee Membership

Mrs Jane Bayley (Independent)
Mr Paul Neale (Parish Councillor)
Councillor Ernie Clark (Wiltshire Council)

Head of Governance

Nina Wilton

Parties are reminded that they must not discuss the matters that are the subject of the decision notice with any other parties, in order to avoid compromising their position or the conduct of the investigation. This does not preclude them from seeking legal advice, should they wish to do so.

Complaint

The complaint alleged that Councillor Durie, at a meeting of the Parish Council on 14 March 2012, publically humiliated Mrs Thornton by not correcting a fellow councillor when he stated that he “wished to apply the Vexatious Complaints Policy to Mrs Jan Thornton” and by announcing that she would no longer be allowed to request information from the Parish Council. Mrs Thornton further alleged that he referred to the Knapp Tenants’ Association, of which Mrs Thornton is secretary, as the “purported” Knapp Tenants’ Association.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-Committee of the Standards Committee decided to refer the allegation 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)(a) – You must not do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a)).
- 3(2)(d) – You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 4(b) – You must not prevent another person from gaining access to information to which that person is entitled to by law.

In respect of paragraph 3(2)(a), 3(2)(d) and 4(b) the Sub-Committee did not feel that there was sufficient evidence to demonstrate that the complaint, if proven, was capable of giving rise to a breach of the Code.

In respect of paragraph 3(1) the Sub-Committee felt that if proven it would be capable of giving rise to a breach of the Code and directed the Monitoring Officer to investigate whether;

- Councillor Durie showed disrespect to the complainant by permitting the Motion to be taken as a part I item and:
- Councillor Durie showed disrespect to the complainant by referring to the Knapp Tenants' Association as the "purported" Knapp Tenants' Association.

The Sub-Committee required the Monitoring Officer to note that the investigation should be restricted to these two specific parts of the complaint.

They further directed the Monitoring Officer to investigate whether, if the two specific elements of the complaint identified above were proven,

Councillor Durie's behaviour in respect of these two elements was capable of breaching paragraph 5 of the Code of Conduct, which states that:

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

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

A solid black rectangular box redacting the signature of the Chairman.

Chairman of the Wiltshire Council Assessment Sub-Committee

B3.2

19 April 2012

Marie Lindsay
Ethical Governance Officer
Wiltshire Council

Your ref: ML
Our ref: IRG/WC 06/12

Dear Mrs Lindsay,

Appointment as Investigating Officer - Complaint against Councillor R Durie

I am writing as Monitoring Officer in exercise of the powers available to me under section 82A of the Local Government Act 2000 to appoint you to act on my behalf as the Investigating Officer in respect of allegations by Mrs Jan Thornton (the complainant) concerning the alleged conduct of Councillor Roger Durie, a member of Great Bedwyn Parish Council.

Details of the complaint are set out in the enclosed papers, comprising:

1. Report to the Assessment Sub-Committee of Wiltshire Council's Standards Committee dated 17 April 2012.
2. Decision Notice: Referral for Investigation
3. File of correspondence to date

I would be obliged if you would investigate the complaint in accordance with the statutory framework for dealing with complaints under the Members' Code of Conduct, and guidance issued by Standards for England, in particular the Guidance Note "How to Conduct an Investigation"

As set out in the guidance you should prepare an investigation plan and send this to me for review. Your investigation plan should set out the proposed timescale for completing your investigation report. I would also like you to report to me on your progress with the investigation at regular intervals to be agreed.

You should maintain confidentiality throughout the investigation in accordance with the Standards Committee (England) Regulations 2008 and the Standards for England Guidance.

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Thank you for undertaking this role.

Yours sincerely



Ian Gibbons
Solicitor to the Council and Monitoring Officer

Direct Line: 01225 713052
Fax Number: 01225 718399
Email: ian.gibbons@wiltshire.gov.uk



INVESTOR IN PEOPLE

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EXTRACT

B3.3

Minutes of the Parish Council meeting held in the Village Hall on Wednesday 8th December 2010

Present: Cllrs Roger Durie (Chairman), Ruth Francis, Jenny Clack, Charles Howell, Gordon Stone, Jim Raff, Sally Rhodes, Paul Knowler, Karina Nicholson, District Councillor Stuart Wheeler, PC Mark Lewis and 10 members of the public.

Apologies: Cllrs. Julie van Haperen and Steve Hobson.


Minutes: The minutes of the November meeting were approved and signed.

Public Discussion:

- **Jenny Bowley raised the idea of free transport for children of Great Bedwyn, attending St. Johns School.** Stating that other parishes within the Pewsey Area are offered free transport. District Councillor Stuart Wheeler to review.

- **Jenny Bowley also inquired about "affordable housing" in Fortlands.** See item 10 in Matters Arising.

- **PC Mark Lewis** reported that only 2 crimes, in our area, were reported over the last month. He also stated that he would like to have a meeting with our "Neighbourhood Watch".

 - **Jan Thornton (with the backing of others) presented a petition to the Parish Council (over 40 signatures) from residents of The Knapp.** The petition highlighted the parking problems experienced by the residents, caused mainly by rail commuters. It was pointed out that many of the residents were elderly and/or disabled, and that they were dependent upon food deliveries, medical visits etc, and that the drivers had trouble finding a parking space. It was also stated that emergency services, if deemed necessary, could not gain access. The Parish Council replied by stating that this matter was already considered a priority and solutions were already being sought. These included yellow lines, permit parking (Wiltshire Council have already been approached) and an extension to the railway car park (NetworkRail have already been approached). One of the problems was the inconsiderate and unlawful parking of commuters. This was pointed out to PC Mark Lewis, who took immediate action, and has officially warned drivers of vehicles that were deemed to be parked illegally. It was agreed that in the short term the PC would work with the police to provide "no parking" traffic cones in certain areas of The Knapp where daily access for health professionals is required, and the police will enforce these restrictions

- **Steve Smith representing the Bedwyn Passenger Group,** stated that, several months ago, he had requested that the Parish Council try to supply lay-bys in The Knapp for buses etc. This request was passed to Wiltshire Council and declined.

- **David Nolson raised the problem of the road surface in Back Lane.** The Parish Council has shown him a reply received from Wiltshire Council regarding this problem. Wiltshire Council agreed that Back Lane is designated a "Byway Open to All Traffic", and the responsibility for maintaining the lane lies with themselves. WC has also made it clear that there are no funds available at present, but they may consider supplying planings, to improve the lane surface, if the residents were willing to contribute. The Parish Council suggested that the residents of Back Lane present their case direct to Wiltshire Council.

- **Martin Hamer gave an introduction to BEAM (Burbage Energy Action Management).** This is an Oil-purchasing co-operative, which is run by the community for the community, and gives residents the power to bulk purchase. (Can also be used for gas purchase etc). All purchases also attract a retrospective bonus that over the years has amounted to £12,000 and has been used to fund village causes. The Parish Council were impressed and are very interested in setting up a Great Bedwyn co-operative or becoming part of the Burbage scheme.

Matters Arising:

1. The Wharf.

A presentation of The Bruce Trust development proposals was postponed until the New Year.

2. Snow & Ice – Grit Bins.

Pewsey Area Board has only allocated one new bin for Great Bedwyn, the location of which is to be determined. Area Board to be contacted regarding the possible purchase of additional bins. The PC agreed to purchase ten snow shovels for allocation to community minded residents in various parts of the village to assist in keeping pavements passable. It was also agreed that a grit spreader and quantity of grit would be

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GREAT BEDWYN PARISH COUNCIL

A BRIEF OUTLINE OF THE KNAPP

The Knapp is a group of properties built between the 1950's and 1980's by the Council for elderly Residents of the Parish.

Over the past few years this criteria has, due to guidelines and demand increased to include Disabled residents. And where appropriate, increasingly the homes have been made available to people from beyond the Parish.

The original concepts of building specific home types together in small communities was to free larger family homes by encouraging the elderly to move into more suitable properties. By creating communities such as the Knapp it enabled the services required to be concentrated, therefore more cost efficient. Both of these points are as relevant to day as they were 50 years ago.

The main change that has occurred in the past 50 years which not only effects the residents of The Knapp, but in care requirements of the elderly of today, is that where ever possible we are encouraged to remain in our homes for as long as possible. For us in the later part of our lives it becomes a very important aspect of receiving care. It is also part of Government policy to support residents by enabling them to stay in their homes because of the lack of affordable Residential Homes. Within this area of Wiltshire there are very limited Nursing and Care Home facilities

The properties at TK are managed by Sarsen Housing. Almost all of the homes have a lifeline link. Almost all of the homes are managed by our own visiting home coordinator . To be eligible for a home within this community requires meeting a strict criteria. For some of us we have waited years. Others are accepted due to their urgent need for support. When these properties become available there can be as many as one hundred people applying who meet the criteria, sometimes more. Selection is then based on urgency.

The needs of the residents of TK are varied. There are several young families who live in the flats. These are local families waiting for more suitable accommodation within the village. The greater majority of residents are elderly, most are able at this point in time to maintain a high level of independence. However an increasing number have high dependency needs, they need support from Carers, Doctors and Nurses on a daily basis. Some are visited up to three times a day by Carers and some also have daily visits from Nurses. This is high dependency, but not critical enough for Nursing Care within a Residential/ Nursing home.

I have attached a copy of the outline statement which was taken to every Resident at TK. Within the very short time span I have managed to collect signatures from almost every resident. Unfortunately I have not been able to access one resident due to the security within in her home. I have also declined to ask for signatures from several others as I feel it would be inappropriate.

Whilst discussing the original statement with each resident additional comments have been made by the residents, which I will include at the end of this statement. Also from discussing the matter with Steve Smith it seems appropriate to highlight our response to his comments, so that this matter can be resolved without excessive delay. We are under no illusion that this problem we at TK are experiencing will not be resolved without overcoming considerable difficulties.

As part of the community we do however feel strongly that we have born the brunt of the parking for long enough, without due consideration from the commuters, or active support from either The Parish Council or community as a whole. We appreciate the amount of work done to keep the station open, but we feel that the success of the commuters has created a problem, the village does not have the capacity to absorb the many cars that are left each day. With a quick look at google maps a rough estimate can be made that about one eighth of the village has become a car park

The additional comments from the residents which they wish to be included in our statement are:-

There is no understanding by those parking in TK as to the needs of the residents. There is no consideration by those who park in TK regarding the dropped kerbs which were created to enable access for children's buggies, prams, and disabled motorised buggies.

The lack of parking caused by the use of the commuters means that during the day visitors are unable to park close to our homes.

The effect of the parking is isolating our most vulnerable residents.

We are financially subsidising the commuters by having to pay for a garage (if they are available), or by requesting and paying for a disabled parking bay.

Commuters have the opportunity to park for free at the Wharf, very few do, but that only encourages more to use Bedwyn Station.

Some of the commuters who park at TK live within several hundred yards of TK, yet they still insist on using their cars.

An increasing number of cars are left for prolonged periods of 2 weeks or more.

Commuters park on the visibility splays making TK an extremely dangerous area to walk and drive in, the worst time being in the evening when vehicles are parked on both splays at the station end, forcing drivers to reverse back into the main road, only to be confronted by cars coming over the bridges.

We are on the bus route, the buses turn in the first cul de sac rather than the second which is wider and safer. They also wait for passengers.

A large number of residents vehicles have been damaged by the commuters using TK railway parking area, reversing out without clearing their rear windscreens.

Many of the residents have asked commuters not to park outside their homes for a specific reason, only to be 'disrespected'.....

Commuters often park in the disabled parking spaces.

Commuters also park too close to disabled vehicles making it difficult/impossible for the resident to use their own care.

Residents and their visitors have to carry shopping considerable distance because they are unable to park near their home. This causes embarrassment, anger and distress to those in our community who need considerable support. It is also dangerous and causes physical discomfort/harm putting the resident and visitor at risk.

TK is also part of the schools preferred exit system for traffic.

Should the Fire Brigade be required to attend at TK, they would be severely delayed due to the restrictions caused by parking. I should point out that the fire services are increasingly required to attend when the Ambulance service requires support.

Steve Smith has made the following comments which I feel it is appropriate to address at this point together with our response.

That the commuters contribute to the trade within the village, and directly effect the value of properties within the village.

We are sure they contribute a small but valuable amount to the village, but from observation the majority drive away without stopping. The village house prices are affected by the Station, however this should not be to the detriment of a vulnerable group within the community. Bedwyn is a desirable village, but no village is desirable when over run with traffic.

There has been discussion regarding double yellow lines and additional parking bays being created.

The double yellow lines will prevent the residents and their visitors from easy access to the properties at all times, and those commuter cars displaced would force a knock on effect within the area as a whole. The additional bays are not something anyone is financially supporting, it would also encourage more commuters.

SS has asked which is the worst effected areas of TK.

ALL of TK. Commuters even park in the resident only parking at the back of the flats and in the two cul de sac areas. There is no part of TK which escapes from the problem.

We have been asked why the residents have not complained before, some have, this has been raised but never followed through. They did not want to make a fuss, more importantly they do not think anything will be done to help resolve the problem.

The overall effect of this excessive and problematic parking is to isolate the residents, to anger and frustrate them and those who try to support them.

The physical, emotional and social effect this is having on the wellbeing of the residents can not be under estimated.

Enforced and social isolation are extremely distressing for the residents, their quality of life and wellbeing suffer.

There is also the problem of self isolation, we do not want to ask for help and support, we discourage visitors because we do not want to see them struggle with the parking, having to walk sometimes considerable distances just to get to us. Our own self esteem suffers, the loneliness just gets worse.

I have been surprised, angered and deeply saddened by the frustration and misery my neighbours experience on a daily basis. More importantly I am concerned by the isolation they are experiencing, directly caused by the parking issues.

I know that there is a great deal of support within the community, we only have to ask, but asking when you know the inconvenience you will cause....most residents would rather not ask.

We are asking that TK is made resident parking only in its entirety. We do not support the yellow line idea. The very minimum we will accept, is a reserved parking space for each resident. In turn I will ask the residents if they will support the nose first parking for the commuters to be extended.

We simply can not accommodate any more commuters until this problem is resolved and request that the commuters are made aware of the problems and misery they are causing.

Great Bedwyn Parish Council

Following the recent report from the Parish Council published in the Parish magazine, we the undersigned residents of The Knapp, wish to raise the following concerns regarding the parking by commuters using the railway.

On an average working day there are approximately 50 vehicles parked in The Knapp belonging to commuters. There are only 38 homes in The Knapp.

The inconsiderate and dangerous parking of vehicles at the junctions create a hazard to pedestrians and other vehicles because of the lack of visibility.

There are considerable problems for the bus services due to the inconsiderate parking.

The Parking creates problems for the residents of The Knapp, between the hours of 7.30am and 6.30pm there is nowhere to park either for our own vehicles, visitors or support services such as Doctors, Carers and Nurses.

Should Emergency service be required to attend any of the residents, there can be delays due to careless parking, and no where to park close to the home of the resident without blocking the road.

An increasing number of residents are having home deliveries for food, this is very problematic for the delivery drivers. It is also very difficult for the residents who do their own shopping and can not park near their own homes. In some instances residents are forced to park on the grass verges to unload their shopping.

An increasing number of vehicles are also left by commuters over an extended period, some times more than a week.

A number of commuters are collected from the station, the cars wait for them in the road, blocking the road completely, this is infuriating, The Knapp is not a public car park! Indeed a number of commuters seem to be under the impression that The Knapp is a public path and show no consideration to the flow of traffic.

We understand that commuters have always used The Knapp for parking. We understand that there are several proposals to stop the problems we are experiencing, such as restricted parking, double yellow lines and permit holders only areas, this in turn would cause problems in other areas. But, due to the complete lack of consideration by the commuters and the needs of the residents we are requesting that The Knapp in its entirety is made a Resident only parking area. We also understand that many of the commuters chose to use Bedwyn to avoid paying parking charges at Hungerford and Pewsey.

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No 33

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No 44

No 46

Extracts from Great Bedwyn Parish Council Minutes 2011 Parking issues in The Knapp

12 January 2011

Public Discussion:

Jan Thornton representing the residents of The Knapp and Margaret Burden representing the Bedwyn Passenger Group, attended the meeting and requested an update regarding the progress being made by the Parish Council on the "parking problems in The Knapp".

Matters Arising:

Bus route and station parking. NetworkRail have been approached regarding additional parking. Discussions are ongoing, and we are waiting for a definitive response. Parish Council has approached Wiltshire Council regarding possible parking restrictions and are waiting for a site meeting. Meeting with representative of The Knapp took place, and recommendations have been made. These include yellow lines on the approach (the main curve down to the station entrance/bus stop), resident only parking in the two cul-de-sacs and a couple of restricted areas for special needs visitors. It was made clear at the meeting that the overall objective of this exercise is to provide a 'win win' solution to the parking problem, resulting in both residents and rail passengers being satisfied that we have done our best to meet their needs.

9 February 2011

Public Discussion:

Jan Thornton and Joe Powell representing the residents of The Knapp and Margaret Burden representing the Bedwyn Passenger Group, attended the meeting and requested an update regarding the progress being made by the Parish Council on the "parking problems in The Knapp".

Matters Arising:

NetWork Rail have responded to our approach regarding additional parking, and they have proposed a site visit following completion of a questionnaire that they have sent. The Parish Council will be organising a meeting of all interested parties, as and when all parties are available, and a definitive response has been received from Wiltshire Council and NetWork Rail. As a temporary measure, the Police will be placing bollards in The Knapp to restrict some parking. This is due to happen within the next two weeks.

9 March 2011

Public Discussion:

Representatives from the newly formed Knapp Tenants Association were present. Their Chairwoman/Spokeswoman is Prudence Collett-Jobey and their secretary is Jan Thornton. They were accompanied by several Knapp residents, and Prudence was invited to introduce herself and outline the needs of their Association. There followed an accusatory speech which the Tenants Association claimed that the Parish Council did not support the needs of The Knapp residents. It was stated that the Parish Council had done nothing, and that all progress that was being made, was down to the residents only. The Parish Council has requested that The Knapp Tenants Association put all their grievances, complaints, expectations and demands in a letter. The Parish Council will then reply in detail.

Matters Arising:

A site meeting with NetWork Rail has been arranged regarding our request for additional parking. A site meeting with Wiltshire Council is still awaited. Leaflets for advising commuters on preferred parking have been approved by the Parish Council.

13 April 2011

Public Discussion:

Jan Thornton stated that motor vandalism and accidental damage was a fairly common occurrence in The Knapp, but was not always reported.

Matters Arising:

Site meetings with Network Rail and Wiltshire Council Highways, regarding the relief of congestion in The Knapp, have taken place. See notes of meetings below. Leaflets advising commuters on preferred parking have been distributed by the Bedwyn Train Passenger Group. A document entitled "Commuter Parking at The Knapp" was produced and distributed to all residents in Great Bedwyn, by the Knapp Tenants Association, asking them to "make your opinion count". So far there has been very little response.

A letter from our MP Claire Perry regarding Parking in The Knapp was received and responded to, by The Chairman. The Clerk is to check with the police, whether anything can be done regarding "holiday parking", ie, parking in the village for a week or more.

The Knapp Tenants Association have not confirmed the content of Mrs Collett-Jobey's presentation at the March meeting, as agreed. However, Mrs Collett-Jobey has written a personal letter to the chairman and this was responded to on April 4th.

MEETING NOTES

Network Rail

The meeting was requested by The Parish Council in October, to discuss the problems caused by rail commuter parking in The Knapp and around the village. The Parish Council requested that Network Rail review the possibilities of extending the existing car park. A sketch/plan was handed to Network Rail showing where the Council thought it was possible to create additional parking. (35 spaces in addition to the 25 already available). Network Rail are very sympathetic to the problems and are currently conducting internal enquiries regarding the potential use of the land for parking. A response is expected at the beginning of May. After our meeting with Network Rail, Jan Thornton (Secretary of the Knapp Tenants Association) contacted Network Rail and "expressed her deepest concern at the possibility of additional car parking spaces at Bedwyn station and stated that the residents would object to this proposal".

Wiltshire Council Highways

The meeting was requested by The Parish Council in October, to discuss the problems caused by rail commuter parking in The Knapp and the possibility of parking restrictions within The Knapp. Prior to the meeting WC had already stated the following:-

"It is not possible to restrict the cul de sac to residents only by order. It is also not possible at this stage to consider a residents parking scheme as the ways of dealing with the numerous requests for schemes across Wiltshire are still being developed. But in any case the basics of a scheme are related to residents not being able to park on the carriageway and having no off-street parking. It is not intended as a means of just stopping non residents parking in an area. Such schemes are to be self financing and in the most recent scheme, introduced as trial, the permits cost £90 each"

Following the meeting, Wiltshire Council have agreed to produce an outline plan showing what they believe to be feasible and acceptable. The two options offered and discussed were:-

- 1) Double yellow lines in parts of The Knapp where traffic flow is currently hampered by parked cars.
- 2) Limited Waiting in the two cul-de-sacs. (2hrs or 4hrs). This would then be a civil offence.

When WC have finalised their study, the findings will be aired with all concerned, (Residents and Councillors) prior to acceptance or otherwise. It was also stated that funding would have to be found for any work undertaken. This would have to be applied for through The Area Board.

11 May 2011

Public Discussion:

Jan Thornton on behalf of The Knapp Tenants Association, asked if there had been any progress reported from Network Rail and WCC Highways. The response from the Chair, "was very little".

Matters Arising:

Network Rail gave the following update (11th May); "Internal investigations are still ongoing". Wiltshire Council Highways gave the following update (10th May); "I have not yet had an opportunity to draw up the draft scheme", "I would hope to be able to prepare something within the next 4 weeks".

The following is a statement from the Pewsey Area Board meeting:-

The Knapp is a PAB issue no. 1594, described as:

"A site meeting has taken place and Highways have agreed to look at the basis of a scheme, which will include some measures in the Cul de sac, such as time limited parking bays for carers, health visitors etc. The scheme will then be submitted to the Parish Council and the Tenants Association summarising what is and what is not possible. There is no timescale for taking the process to the next stage at the present time but highways are working with the Cabinet member on how a matrix can be developed for prioritising all the requests for amendments to parking controls across Wiltshire. It is not until this is developed will we be able to say where Great Bedwyn sits in the scheme of things."

The Parish Council has again requested that, following her speech at the Council meeting on the 9th March 2011, the Chairman of The Knapp Tenants Association, put all their grievances, expectations etc. in a letter. This was agreed at the time and The Parish Council stated that they would then reply in detail.

8 June 2011

Public Discussion:

Mr Steve Smith from the Bedwyn Train Passengers Group read out a statement which was as follows:-

"Jan Thornton copied the Parish Council and the Passenger Group a letter that Prudence Collett-Jobey, on behalf of the Tenants Association, wrote to Kes Nielson. This was in response to Kes's letter in the Parish News. It was highly critical of the Passenger Group and the Parish Council. We have responded with a series of denials against the accusations made, also we have responded to the points that we believe to be factually incorrect. We don't propose to go through them here. However, there are a few things that we wish to air.

On Saturday May 21st the passenger group, as part of the big village cleanup, tidied up the station and The Knapp. While doing this I managed to speak with two carers that had just made a visit. I asked them about the parking situation and how it affects them and the elderly. They were able to tell me:

- On weekday mornings it can be difficult to park and sometimes they have to park at the far end of The Knapp.
- There is a particular female resident who does not receive care, who does not allow them to park in any of the disabled bays and tells them off if they attempt to do so. Although parking in a disabled bay is not ideal the fact that a resident of The Knapp is delaying a carer is not a great state of affairs.
- Not once has a client missed any care, even one minute, due to the parking.

We have two main concerns:

1) The Tenants Association statement of the problem differs from what we have observed and enquired about. However, we do realise that the parking is frustrating for some of the residents and support measures that we have previously stated. However, we are concerned that the flaws in the Tenants Association argument will be used by Network Rail and Wiltshire Council (who will hold the funding for any project) as an excuse to do nothing. That would not be serving the residents of The Knapp.

2) The Tenants Association have taken such an accusatory stance that their, ours and the Parish Councils efforts are going into managing the argument and not into improving the parking. It's causing upset for us and the Parish Council and could well be upsetting some of the vulnerable residents who might prefer to know that all sides are working together and progress is being made. We are concerned that those that require care, and who have never missed a minute of care due to the parking, are now worried that their care might be compromised. I know how terrifying that would be for an elderly person, especially when dependent on care for food, medication and personal cleansing. Would it not be better to work with us and the Parish Council to ensure that this situation never arises without worrying them?"

Matters Arising:

Work is continuing on this. It is down as an action item for the Pewsey Area Board and confidence was expressed that the Board officer Caroline Brailey would pursue this. Network Rail have advised that they are currently costing a survey of the area and Wiltshire Council require more time to complete their proposal for parking restrictions.

Letter from Prudence Collet-Jobey (The Knapp Tenants Association) stating that there was nothing to be gained by further interaction with the Parish Council at that point. This was in response to requests from The Parish Council for her agreed confirmation of speech given at the March meeting of the Parish Council. Councillors expressed regret that Mrs Collet-Jobey has not chosen to supply written confirmation of the points she raised at the March meeting as this made it impossible to respond to her.

13 July 2011

Matters Arising:

Network Rail appears to be willing to extend their existing car park onto railway land formerly used as a siding. They have requested payment of £5000 to carry out a feasibility study. The Parish Council will approach the Pewsey Area Board regarding the subject of funding as this is a project that would mainly assist people outside Great Bedwyn whilst relieving congestion in The Knapp.

Wiltshire Council Highways gave the following update:

"We have advised both Sarsen and Residents Association that we need to consider any scheme carefully as any restrictions in The Knapp will no doubt cause displacement parking

elsewhere. Therefore I can assure you that no promises were made to proceed with a scheme at this stage, as we have existing commitments elsewhere in the county and new assessment criteria for such requests has yet to be formally agreed. We did advise that any scheme would require the backing of the Parish Council as the statutory elected body for the village”.

Wiltshire Council Highways and Network Rail were both approached, regarding the new signage that has appeared on the A4 and A338, giving directions to Great Bedwyn rail station. The Parish Council followed this up, and got the following response from Highways: "Traffic signs are not intended for advertising but are provided to help those less familiar with the area find local facilities easily and safely. It is common practice to review the destinations on traffic signs when carrying out extensive replacement work and we have updated the signs to Great Bedwyn to include the national rail symbol for consistency purposes. The symbol has appeared on the direction signs from the A4 for many years and I am unaware of any previous requests to have these removed. We do not envisage an increase in users of this facility as a result of these changes. The station is long established and provides a valuable link for the community area, to London and the South West. Not all users of the station will be commuters and others will travel simply to pick up or set down passengers. It is for those less frequent visitors that the signs have been provided. The long stay parking issues will continue to be investigated."

14 September 2011

Pre Council Meeting:

Prior to the Council meeting, Mr. Alister Storey, Principal Traffic Engineer for Wiltshire Council Highways, gave a presentation showing the draft proposals for restricted parking in the village. The presentation was attended by over 70 interested parties.

The Chairman of The Parish Council, Roger Durie, gave an introduction as follows:-
"As you are aware we have Wiltshire Highways Engineer, Alister Storey, with us tonight, to present proposals drawn up to deal with parking and congestion issues in The Knapp. Before Alister begins his presentation I should just like to re-cap on the events preceding this exercise. In September 2010 at our Parish Council meeting it was stated that the bus route appeared to have changed but investigation revealed that the bus company experiencing congestion in Castle Rd./The Knapp had decided to use a different route to avoid the congestion. At our October meeting it was agreed that the Police should be asked to monitor inconsiderate parking by commuters and that we should approach Wiltshire Council regarding the possibility of some limited parking restrictions and Network Rail regarding the possibility of utilizing their redundant siding for additional parking. In December Mrs Jan Thornton presented a petition to the Parish Council signed by residents of 36 properties in The Knapp requesting that the entire area be made 'residents parking only' and at the same time Doctor Ballard wrote supporting the idea of a residents parking scheme. Since then Network Rail have not been prepared to move forward on the additional parking spaces unless we pay £5000 for a feasibility study (I do not believe Mrs Thornton helped matters by telling them that Knapp residents did not want additional parking spaces) but Wiltshire Council have prepared their proposals for parking restrictions which Alister will now present. There will be an opportunity to ask questions when Alister concludes his presentation in approx 15 minutes and there will be a further opportunity for individual comment in our public discussion session"

Alister Storey began by stating that the proposals were drafted in consideration of road safety. His presentation showed the full extent of proposed yellow lines, coupled with other restrictions. There then followed a lively and constructive question and answer session, between Alister and those present. The main concern being the effect of the proposed

parking restrictions on the rest of the village. The proposals did not represent a community wide solution.

The Chairman then brought the question and answer session to a close, and requested a show of hands, to ascertain the level of support for the following:-

- a) To approve the proposals as Alister's presentation. (12 supported)
- b) To totally reject the proposals. (26 supported)
- c) To agree to partial parking restrictions, to include bell mouths and dropped kerbs. (34 supported)

The Chairman thanked Alister, on everyone's behalf.

Note:- The Parish Council did not propose the current scheme, and they have not been invited to attend any on-site meeting with Mr Storey.

Public Discussion:

Ann Kilpatrick asked if extra land could be purchased for parking, with funding from surrounding villages.

Roger Kenyon asked if the land between the two bridges could be used for a car park.

Steve Smith speaking on behalf of Bedwyn Trains Passenger Group, read out the following:-

'We are disappointed how Sarsen Housing let the garages. There are a total of 39 garages and parking bays, in the two closes, and it's no coincidence that there are 39 homes. Over the years the association between the garages and the homes has been lost as Sarsen generate revenue by letting them to non-residents. There are also 24 car parking spaces, behind the flats, that are for residents only. These are under utilised by residents on a daily basis. Sarsen could do more to allocate these to residents for use by their visitors and carers. Bedwyn station is the railhead for Marlborough and the surrounding villages. Consequently it has an economic importance to the area that has not been taken into account in Wiltshire Council's proposal. The commuters and the village as a whole are net contributors to the taxes and funding raised and received by Wiltshire Council. It is therefore reasonable to expect that the parking problems in the village, caused by use of the station, are funded in a manner that respects the economic contribution made by the station and the villagers. For example the loss of parking spaces proposed by Wiltshire Council could be offset by them funding the extension to the station car park. Alister Storey's photographic presentation was not of photographs all taken at the same time. Instead they showed each area at its worse which collectively made it appear a bigger problem than it is. I've taken many walks around The Knapp at peak times and there is always one of the parking problems shown but never all of them at the same time.

Other than what has already been discussed this evening we'd like to raise the following:

1. We understand that Wiltshire Council can't introduce a resident's only scheme for the two closes. We therefore suggest that Wiltshire Council un-adopt the two closes and hand control to Sarsen Housing. Sarsen Housing can then line/sign as they feel appropriate.
2. To create lay-bys either side of the entrance into The Knapp from Brook Street. Our proposal does not involve the loss of any trees'.

Gill Boden representing Sarsen Housing Association responded, by saying that garages have been let to "others", and they will now take more interest in the problems caused by parking. This would include allowing carers to use the car park behind the flats. Sarsen Housing would also review the possibility of the two cul-de-sacs being re-classified/unadopted.

Jan Thornton representing The Knapp Tenants Association responded, by saying that the parking problem is not getting any better, and there are 25% of the Knapp residents who are

housebound. She also welcomed the idea of the cul-de-sacs being unadopted. Sarsen Housing could then safeguard areas for carers etc.

Stuart Wheeler and Caroline Brailey representing The Area Board stated that a Home Scheme for Carers was being introduced, which could improve care within the County, and was likely to reduce the numbers of carers visiting individuals, hence possibly relieving parking pressures and minimising time taken parking. This is very much “work in progress” Stuart Wheeler representing The Area Board advised that he would approach Network Rail and British Waterways (wharf) regarding additional parking.

Cllr. Nick Gibbins will explore alternative funding and advice on the parking situation.

Matters arising:

The Parish Council has received numerous e-mails/letters (25) regarding W C Highways parking restriction proposals. Many had empathy for The Knapp residents but all were against the use of yellow lines. Stuart Wheeler is to review the possibility of WC Highways unadopting the two cul-de-sacs within The Knapp. The existence of a Rail Transport Plan is to be reviewed by the Parish Council and the Bedwyn Trains Passenger Group. It is believed that the plan would incorporate commuter parking provisions.

The Parish Council then voted and rejected, in its entirety, the draft proposals presented by Wiltshire Council Highways, whilst all other options are being pursued. Including, but not limited to, the possibility of Sarsen Housing adopting the cul-de-sacs, and some limited parking restrictions around the bend by the bus stop.

12 October 2011

Prior to the Council Meeting, Mr. Steve Smith gave a presentation on behalf of The Bedwyn Trains Passenger Group - (BTPG). The presentation was made to elicit responses and/or adoption as it was felt to be a more harmonious proposal than that suggested by Wiltshire Council Highways at the Parish Council Meeting on 14th September 2011.

The BTPG proposal suggested “we need to do something”, “yellow lines are objectionable” and “the solution must be palatable to all parties”. The BTPG accepted that whilst white lines are not legally binding they act as a “wake-up call” and experience suggests they tend to work on junctions and at dropped kerbs, though they are less effective on straight roadway sections. The application of white lining at key locations in the Knapp and in Brook Street at its junction with The Knapp could reduce the problems of inconsiderate parking. Identifying the bus stop location with red lines could also be considered and later stages could involve reclassifying/unadoption of the two closes in the Knapp so they could revert to residents parking only under the control of Sarsen Housing. The creation of two additional lay-by parking areas to maintain roadway clearance in The Knapp near its junction with Brook Street might also be considered. There was also the possibility that Network Rail could provide some additional parking spaces at the station. None of these suggestions relied upon each other so a phased approach could be taken. The proposal, however, suggested that the first phase of a solution could be white lining in The Knapp and in Brook Street near the junction with The Knapp. This could involve the following, working from Brook street through The Knapp to Farm Lane:

- a) White lines across the driveways to No 1 Railway Terrace and No.3 Brook street
- b) White line the junction of the Knapp and Brook Street from the green BT box on Brook Street to “The Knapp” street sign
- c) White line the north side of the Knapp bend from the drain cover opposite the bus stop to where the kerb straightens out
- d) White line the junction of both cul-de-sacs with The Knapp from the bend to just beyond the dropped kerbs

e) White line the three dropped kerbs beyond the cul-de-sacs where The Knapp turns past the flats and up towards its junction with Farm Lane

f) White line both sides of TheKnapp's junction into the residents' car park at the flats
In addition red lines could be used to mark the bus stop on the north side of the Knapp with white lettering to prevent cars from parking there. This would solve the current problem of cars parking there and causing an obstruction when the bus parks on the other bus stop on the opposite side of the road.

The Parish Council Chairman, Mr. Roger Durie, then thanked Mr. Smith for his presentation and opened the meeting to public discussion.

Mrs. Thornton asked if the BTPG proposals had been presented to Highways. Mr. Smith said the presentation had only been made to The Parish Council at this stage. A number of general questions followed to clarify points made during the presentation. Mrs. Thornton said that it was unlikely Sarsen would request re-classification/unadoption of the cul-de-sacs as this involved taking on major liabilities. Councillor Clack made the point that the larger of the two cul-de-sacs was never fully utilized for parking at any time of the day giving space for carers/ visitors to park and access homes; and this was accepted unreservedly by Mrs. Thornton. Mrs. Thornton commented, however, that this situation could change in the future but Councillor Clack said the Parish Council had to deal with matters as they stood today, not at some hypothetical point in the future.

The general response to the proposals was that they were a valuable and constructive way to approach the problem of parking in The Knapp. The Chairman of the Parish Council then drew the public discussion on this presentation to a close.

Matters Arising:

A letter was sent to WC on 23rd September in response to the presentation given by the Traffic Engineer on 14th September 2011 but due to internal reorganization at the Council this did not reach him for several days. The Parish Council Chairman (RD) and District Councillor Stuart Wheeler will meet Sarsen Housing on 25th October to discuss parking and traffic issues.

The Parish Council voted unanimously in favour of requesting Highways by letter through Paul Bolland whether white lines as proposed by the BTPG can be laid at the same time as the 20mph speed limit is introduced in the village at the end of November 2011. This could include the red lining for the bus stop in The Knapp. A simplified diagram of the proposed white lining and red bus stop lines has been provided by the BTPG. Adding additional laybys and extending the railway car parking will be examined later as a second stage as this is also supported by the Parish Council.

A request to Parvis Khansari, Director for Strategic Services (Highways and Passenger Transport) at Wiltshire Council, has been made to include Great Bedwyn in the Rail Transport Plan (Access to Stations) bid for Wiltshire. Progress on this will be reported by District Councillor Stuart Wheeler.

Correspondence Received:

Email dated 4th Oct 2011 from The Knapp Tenants Association responding to Parish Council request of 29th Sept 2011 for copies of the Knapp Tenants Association Minutes and membership list indicating a need to edit those minutes beforehand to protect confidential tenant information prior to presentation to the PC.

9 November 2011

Public Discussion:

Jan Thornton requested an update regarding "white lining". The Chairman reported that following enquiries concerning the possibility of applying white lines instead of double yellow lines, he had been informed this was not current WC policy. It was noted however, that white lines are used extensively across the UK to assist with parking management and there are white lines in Great Bedwyn already. The Parish Council will have further discussions with WC concerning this issue. Jan Thornton also stated that whilst decisions were still outstanding, regarding parking restrictions in The Knapp, several residents who had requested disability bays were put on hold. District Councilor Stuart Wheeler requested a list of the residents who had applied, and would follow up their applications.

Prudence Collett-Jobey referred to the minutes of the September Council meeting, quoting that "The Parish Council had voted and rejected, in its entirety, the draft proposals presented by Wiltshire Council Highways". It was pointed out that this was inaccurate. The actual statement in the minutes read:- "The Parish Council then voted and rejected, in its entirety, the draft proposals presented by Wiltshire Council Highways, whilst all other options are being pursued. Including, but not limited to, the possibility of Sarsen Housing adopting the cul-de-sacs, and some limited parking restrictions around the bend by the bus stop.

Anthea Rogers questioned a statement made in the September minutes. The statement read; The Parish Council did not propose the current scheme, and they have not been invited to attend any on-site meeting with Mr.Storey." This statement is true, and precise. The draft proposal presented by Alister Storey did not reflect the PC's original suggestions to Peter Harris and the only consultation (instigated by the PC) was the telephone conversation with the Chairman, when Alister Storey was only prepared to consider very minor amendments to his draft proposal, and did not acknowledge the PC's concerns about the excessive nature of the scheme. The Chairman again made it clear that the result of the "show of hands" taken at the public meeting on 14th September showed a majority against the draft proposals presented by WC Highways. The Chairman stated that there had been 85 people against the draft proposals. This was made up from 26 who totally rejected the proposal (at the meeting), plus the 34 who would agree to partial restrictions (at the meeting), plus the 25 e-mails/letters received that were against the use of yellow lines. The show of hands contributed to the Parish Council decision, but views and opinions were also shaped by the perceived excessive proposals set out by WC Highways. It is for this reason that the Parish Council is now pursuing alternative measures.

Matters Arising:

The Parish Council Chairman (RD) and District Councilor Stuart Wheeler, had a meeting with a representative of Sarsen Housing, on 25th October to discuss parking and traffic issues within The Knapp. Sarsen Housing are unwilling to take ownership of the two cul-de-sacs, but will try to help by marking car parking bays, in the car park behind the flats. Residents of The Knapp will then be notified that parking is available for their carers and visitors.

The Parish Council contacted Paul Bolland regarding whether white lines as proposed by the BTPG can be laid at the same time as the 20mph speed limit is introduced. There was a negative response from Paul Bolland. The Parish Council has again contacted Wiltshire County Highways, requesting further consideration, and Paul Bolland will consult with his manager, when he returns from leave at the end of November. Network Rail has again been contacted, and the Parish Council has been informed that the area requested for the car park extension has been "cleared for use". (still subject to £5000 for Network Rail to carry

out their feasibility study) The PC is applying for a grant for this amount, via Pewsey Area Board.

14 December 2011

Public Discussion:

Jan Thornton representing The Knapp Tenants Association referred to the latest proposal from WCC Highways, regarding revised parking restrictions in The Knapp. The Council was asked if they would give their backing to additional restrictions in the 2 cul-de-sacs. Having previously asked Sarsen Housing to "take ownership" of the 2 cul-de-sacs, the Parish Council agreed to the additional restrictions. Mrs. Thornton stated that Sarsen Housing has agreed to marking out the car parking bays behind the flats, and advising Knapp residents and carers of the availability. She also stated that the grit bin that Sarsen Housing had agreed to supply earlier in the year had not yet been supplied.

Matters Arising:

The Chairman gave an update on the advances made since the September meeting, these included the following:-

Sarsen Housing proposal to take ownership of cul-de-sacs. Sarsen Housing was not willing to request the un-adoption of the 2 cul-de-sacs.

Highways proposal to paint White Lines. WCC Highways were not willing to paint white lines, as a trial. White lines are used extensively and successfully in other villages and towns, to discourage and restrict car parking on highways.

Sarsen Housing agreement to the use of the flat's car park for carers and visitors. Sarsen Housing has agreed to this and will be marking out the spare spaces (circa 15)

Network Rail is carrying out the feasibility study for the car park extension. Network Rail has agreed to self finance the study. Report expected soon.

WCC Highways has produced a revised Draft Proposal. Outline details to be published via Parish News, and a plan will be displayed on the notice board and Parish Document Store.

There was unanimous support for the new draft proposal, subject to suitable feedback/lack of complaints from residents. The mix of disability bays/limited waiting in the cul-de-sacs is being finalised with The Knapp Tenants Association and WCC Highways. It was agreed that the public will be given the opportunity to comment. Revised plans from WCC Highways will be displayed on the notice boards when available. It was also agreed that The Chairman would prepare an article for The Parish News, to outline the revised plans.

WCC Highways has suggested that the yellow lines can be "conservation grade" (narrower and a lighter yellow).

Stuart Wheeler then commended the Chairman and Councillors for their input into trying to resolve the problem in the best interest of the village.

**Minutes of the Parish Council meeting held in the Village Hall on
Wednesday 11th January 2012**

Present: Cllrs Roger Durie (Chairman), Gordon Stone, Jenny Clack, Jim Raff, Charles Howell, Steve Hobson, Paul Knowler, Karina Nicholson, Tom Mallinson, Nick Gibbins, Member Burbage and the Bedwyns, Cabinet member for Campus Development and Culture, Stuart Wheeler, and approx. 18 members of the public.

Apologies: Cllr. Tom Mallinson.

Minutes: The minutes of the December monthly meeting were approved, subject to an amendment noted by the clerk, and signed.

Declaration of Interests: Councillors were invited to declare any interest in items on the Agenda.

There were no declarations of interest.

Public Discussion:

- **Philip Blunt** questioned the wording, of the December minutes, relating to The Three Tuns, and asked why he had not received an answer to his e-mail. The Chairman explained that the Parish Council had been inundated with correspondence, and stated that his e-mail would be dealt with.

- **Mick Goss** stated that he was against the proposed parking restrictions in The Knapp, calling it a "wretched scheme". He stated that Bus route problems should have priority over resident parking and that parking spaces for residents and carers, within The Knapp, are adequate.

- **Jan Thornton** responded by saying that the new proposals only displace 4 cars.

- **Julie van Haperen** stated that she was also against the proposed parking restrictions in The Knapp, and agreed with the sentiments of Mick Goss.

- **Karen Gardener** also stated that she was against the proposed parking restrictions in The Knapp, and queried the membership and validity of The Knapp Tenants Association. Stating that she had not seen any published documentation.

- **Jan Thornton** responded by saying that The Knapp Tenants Association's minutes etc. are available on request.

- **Karen Gardener** went on to say how important the station was to the village and this was part of the reason she had concerns about the scheme.

- **The Chairman then gave his response** stating that the latest proposal from WCC Highways was thought, by The Parish Council to be acceptable, bearing in mind that it is very much in line with the PC's original request and that, coupled with the response from Network Rail, constitutes the solution originally sought. The feasibility study from Network Rail states that it is possible to extend the car park and create an additional 23 spaces.

- **Kevin Challen** stated that he thought we were almost there with the latest scheme, but added that residents of The Knapp would have problems parking and that he thought that yellow lines would be better kept to the mouth and bends only. He stated that there was not a "Health and Safety" issue, as there had not been one reported accident in The Knapp. He would welcome, and sought, an open public discussion. Kevin also questioned the details of The Knapp Tenants Association, their constitution, membership and minutes of their meetings, pointing out that none of this appeared to be in the public domain.

- **Julie van Haperen** stated that the continuity and viability of the station should be a priority.

- **The Chairman** stated that funding had to be sought for the car park extension.

- **Ruth Francis** requested a statement from The Knapp Tenants Association, stating that they agreed with the Network Rail car park extension.

- **Jan Thornton** responded by saying that they did now agree with the extended car park.

- **Councillor Gordon Stone** stated that Karen Gardener had "hit the nail on the head" when she spoke about the station, saying, "as the majority of the village would support having the station, they must accept their share of the parking". He agreed with some of the other sentiments expressed, referring to those against the extent of the yellow lines, and stated that work should be undertaken to find a compromise.

- **Phil Gray** a resident of Little Bedwyn, stated that surrounding villages need to be considered, when taking decisions regarding the railway station.

- **Venessa Kenneth** thanked the Parish Council for all the work that has been carried out for the good of the village.

- **Julie van Haperen** referred to the amount of correspondence that is having to be dealt with, expressing concern that a large proportion of it was from one individual, and that this almost constituted harassment in her view. She thanked the Parish Council for their time and effort, pointing out that they are all unpaid volunteers trying to make a difference.

Matters Arising:

1. The Parish Council.

a) Governance.

Following comment accompanying Wiltshire Council's response to a code of conduct complaint in mid 2011, the Parish Council has reviewed the Standing Orders, Financial Regulations and Risk Management strategy. The Clerk issued a revised version of the Standing Orders which was unanimously accepted, Financial Regulations required no amendments and Councillor Hobson will update the Risk Management procedures to include a calendar of governance reviews for the coming year.

The Chairman is also arranging to take up the offer of training from Mrs. Nina Wilton, Head of Governance and Deputy Monitoring Officer (Wiltshire Council).

b) Councillor vacancy.

There is a vacancy for a new councillor, and an election has been called for. The election will take place on Thursday 9th February 2012, providing 2 or more nominations are received.

Post meeting note; No nominations were received. Therefore the election has been cancelled.

c) Resignation of Parish Clerk.

The Parish Clerk has given 3 months notice. A new Clerk is being actively sought. Adverts are to be placed in the Parish News, on the Notice Boards, Local Businesses and WCC website. The Parish Councillors are to review and discuss the contract details for incoming clerk.

d) Dealing with complainants.

A proposed Council policy for dealing with complainants has been distributed and will be adopted at the next meeting, if councillors agree that it is appropriate.

2. Allotments. (CAB/SH)

Of the 3 plots available, as noted at the last meeting, one has now been taken. The other 2 are being offered to the next 2 on the waiting list. We have now got our first chickens.

3. Youth Club.

Report summary;

There is a lack of volunteers, which is a concern for the sustainability. However the club has been doing Christmas craft and cooking activities and an Ice Skating trip. They have successfully carried out a presentation to The Pewsey Area Board to run a film project. The Area board gave their backing and awarded them a grant of £750

4. Traffic items

Bus route and station parking. (RD/CAB)

See "public discussion". Network Rail's feasibility study has shown that there is adequate room for approximately 23 additional car parking spaces. The Clerk and Chairman hope to receive the full report within the next few days for detailed assessment. The updated plans reflecting revised parking restrictions in The Knapp were received from WCC Highways on Monday 9th January, and immediately displayed on the

Notice Boards. It was agreed that the public will be given the opportunity to comment.

5. Three Tuns.

The Parish Council's planning committee objected to the proposed change of use. It is believed that an offer to purchase has been made.

6. The Wharf.

British Waterways have responded to our enquiry regarding the use of the grassed area. They have stated that they favour The Bruce Trust development and are still expecting revised plans for this.. The Bruce Trust has been approached regarding use of their grassed are for The Queen's Jubilee. (Response awaited)

7. Budget Forecast. (CAB)

The External auditor's report was read out. Items of interest were; "no matters giving cause for concern"; "Receipts and payments basis should be adopted"; "Asset Register should be updated".

8. 2012 Queen's Jubilee.

An e-mail was received from Judy Haynes giving suggestions, including the closing and re-naming of the narrow part of Farm Lane for the day. (It used to be called Jubilee Street). The use of the Memorial playing field has been requested via The Village Hall Committee Chairman, and Pewsey Area Board appears to be willing to fund part of the event, up to £250. Grant to be applied for.

An article is to be placed in the Parish News, requesting volunteers and more ideas. (Afternoon and evening)

9. Snow preparations.

Volunteers are still being sought. Adverts have been placed on the notice boards, post office, bakery and in the Parish News.

10. Sport relief 2012.

Parish Clerk has withdrawn interest in organising Comic Relief "Sport Relief Mile". (Clerk has resigned)

11. Playground. (KN)

The Rospa report highlighted several areas that needed attention. Most were minor, but two items will require significant expenditure, these being the tyres under the see-saw, and the toddler swings. The toddler swings will probably need replacing in the next 18-24 months, at an estimated cost of £3,000. The minor repairs are already in hand, and some remedial work can also be carried out on the toddler swings. A new delivery of bark will be required in Feb or March, at a cost of £520. A vote was requested to make the funds available for the purchase of the bark and the cost of the remedial work. The Councillors agreed unanimously to the request. The Clerk has been requested to assure the Council, that the funds to replace the toddler swings are still available from the initial grant. (Ring fenced)

12. General upkeep of Village.

The tree on the corner of Brook Street and The Knapp has been pruned.

Cobbled drain gully in the High Street, outside Cross Keys, has been treated.

Tree at The Chains needs some attention. Condition to be monitored and assessed.

General gutter clearance to be undertaken.

Litter.

Several residents are known to collect litter on a regular basis, and the Parish Council has expressed its appreciation on behalf of all residents. An e-mail has been received from Anthea Rogers regarding her and her children collecting rubbish/litter opposite the church by the canal. Councillor Steve Hobson will respond with an offer to assist in disposal/recycling of their collection.

Correspondence received:

The correspondence received was then reviewed. These included the following:-

1. E-mail from Anthea Rogers, regarding last night's meeting.
2. E-mail from Jan Thornton regarding proposed article in Parish News.
3. E-mail from Steve Smith regarding Jan Thornton's proposed article in Parish News
4. E-mail from Mark Stephens regarding The Wharf.
5. E-mail from Anthea Rogers regarding list of e-mails.
6. E-mail from Wiltshire Council regarding their ground maintenance service.
7. E-mail from Martin Rose regarding 20mph metro counts.
8. E-mail from Stuart Wheeler regarding Pewsey Area Board agenda.

**Minutes of the Parish Council meeting held in the Village Hall on
Wednesday 8th February 2012**

Present: Cllrs Roger Durie (Chairman), Gordon Stone, Jenny Clack, Jim Raff, Charles Howell, Steve Hobson, Paul Knowler, Karina Nicholson, and over 50 members of the public.

Apologies: Cllrs. Tom Mallinson and Nick Gibbins, Member Burbage and the Bedwyns, Cabinet member for Campus Development and Culture, Stuart Wheeler,

Minutes: The minutes of the January monthly meeting were approved, and signed.

Declaration of Interests: Councillors were invited to declare any interest in items on the Agenda. There were no declarations of interest.

Public Discussion:

- **Paul Maloney** handed to the Chairman, a petition containing 220 signatures, objecting to the proposed introduction of yellow lines.

- **Alec Taylor** stated that he was not against the trains, and that trains were his hobby, but he thought there had been a misrepresentation at the last meeting. He stated that there had been 5 accidents in The Knapp. Vehicles and property had been damaged. He also stated that he felt that The Knapp residents were considered irrelevant by the rest of the village.

- **Cathy King** responded by saying that The Knapp residents were not considered irrelevant but the views of the other 1200 villagers were of equal importance. She was sympathetic to inconsiderate parking as she lives by the school and deals with inconsiderate parking too. She stated that the railway and the impetus it gives to our village is hugely valued by all and that a small minority were trying to sneak restrictions under the radar. She requested open discussion that everyone can take part in.

- **Mike Strefford** stated that, as an ex commuter he agreed with Cathy King's statement regarding railway being hugely valued, but stated that he did not feel that the parking restrictions would actually effect the commuter numbers. He challenged the idea that the WC proposal would displace parking. He asked if all proposals were in the process of being reviewed. He also stated that Steve Smith of the Bedwyn Train Passenger Group was in agreement with the Highways proposal. (See response from Bill Wells, BTPG)

- **Judy Haynes** asked the following questions;

Are the proposed plans necessary?

How are the proposals being funded?

Can the disabled bays be used by anyone who is disabled? (Commuters etc)

Can we wait for Network Rail to extend the car park?

Who pays the cost of Policing and Wardens?

Have Sarsen Housing been encouraged to get involved? For example by providing extra bays, opening up driveways etc as other villagers have done. They had ignored displacement concerns raised in September.

Judy also referred to her survey, which she had undertaken before the September meeting over a 2 week period, during working hours, where she stated that there were never less than 4 spaces available in the cul-de-sacs for parking.

- **Paul Maloney** referred to a statement from the January meeting, which stated that 23 extra spaces would be available after the proposed yellow lines are introduced and the Network Rail car park is extended. He had counted the number of vehicles parked where yellow lines were proposed, and found that over 30 would be displaced. He then asked, where are all the other cars going to park

- **The Chairman** stated that there was going to be a meeting with Network Rail and First Great Western, sometime next week. (This had been agreed, but no date fixed) A figure of £200,000 had been given for providing the extra spaces. He added that restrictions are needed at the top of The Knapp where the buses turn in.
- **Councillor Gordon Stone** in answer to a question from the floor, stated that the school encouraged a one way system using Browns Lane and The Knapp. (Avoiding Farm Lane)
- **Bill Wells representing the BTPG** in answer to Mike Strefford's statement, stated that they opposed the yellow lines along the length of The Knapp and only supported the use of restrictions at the bend down to the bus stop and the two cul-de-sacs. He said that the plans BTPG had put forward in October for white lining on bends and dropped kerbs etc had been rubbished
- **Simon Cordrey** pointed out that too much governance in a village, and displacement of vehicles is not good or consequence free.
- **Judy Haynes** following on from the knowledge that there is to be a meeting regarding the car park extension, thought there was a need for another public meeting.
- **Alec Taylor** complained about inconsiderate parking and pointed out that at least one commuter, who lives in Spaines, drove to the station and parked.
- **Rob Vines** stated that the village, as a whole, has a problem with parked cars and access, not just The Knapp. He was worried about displacing traffic when the rest of the village was difficult to get through and access amenities, eg surgery, PO, Bakery, etc. He explained how milk lorries had struggled but got through Church Street in the past. Where, in future, will everyone park? The village needs to get all parties together and act as one.
- **Dave Haynes** asked if there was going to be any other public discussion following on from the Network Rail meeting, or will it just be discussed at the next monthly Parish Council meeting?
- **Mike Strefford** raised his concerns regarding the cost for the rest of the village and said there appeared to be a lack of knowledge regarding exact details. He said that the costs would be covered by WC and would cost the village nothing.
- **The Chairman** responded by saying that the Parish News carries all the minutes of meetings, and referred to the January issue. He also stated that the Parish Council started reviewing The Knapp parking problem with WCC Highways and Network Rail back in October 2010, and that the PC minutes showed that.
- **Simon Cordrey** suggested that Network Rail should be approached regarding their car park charges at Pewsey, Hungerford, etc. Pointing out that if they stopped charging, then more commuters would use those stations rather than Great Bedwyn, which is free.
- **Councillor Karina Nicholson** stated that after the September meeting, where the proposals were rejected. It was suggested that, just the bends and bus stop, would benefit from road markings. The proposal was for white lines and this proposal was considered by the PC to meet the needs identified at the September meeting. These were known to be unenforceable but are used in other towns and villages, and work as a good deterrent. It was WC who told the PC that it was 'not their policy' to use white lines.
- **The Chairman** stated that the problem with The Knapp carers and their visitors had been resolved by the confirmation that parking spaces are available behind the flats. However, the flow of traffic through The Knapp is still a problem and needs to be dealt with.
- **Frances Jones** remarked on the bad parking at The Wharf and the village, and suggested that there is a need for yellow lines on bends.

- **Councillor Jim Raff** stated that certain authorities were not helping us, which was making the problem worse. He also pointed out that the Councillors were a voluntary, unpaid group who had very limited resources and time to deal with the issues raised. Our main concern was to ensure that any solution to the parking problems in The Knapp arose from a community-wide consensus; and to achieve this we needed the full hearted support of the people living in Great Bedwyn.

- **John Sheering** asked if commuters, from outside the village, were aware of the problems they were causing? Had they been notified or any effort made to educate them?

- **Councillor Karina Nicholson** responded, saying that the Bedwyn Train Passenger Group had notified commuters, by putting notices on their vehicles and that the Wharf area was now being well used by train users on a regular basis. This may cause problems in the summer months when the boating traffic increases.

- **The Chairman** then reviewed the petition with 220 signatures, and read out the covering statement; The petition is objecting to the proposed restrictive scheme for The Knapp on the grounds that it is excessive, does not offer a community-wide solution and the issues arising from displaced parking have not been comprehensively assessed.

- **Nick Sheehan** asked, where does the petition go now?

- **The Chairman** responded by stating that WCC Highways will be made aware of the 220 people who are opposed to yellow lines.

- **Karen Gardner** pointed out that The Parish Council has the power to approve or reject the proposals, and that the PC has to listen to all views but is elected to represent the majority view.

- **Jan Thornton** stated that the needs of The Knapp tenants are increasing. Some with cars, of which there are very few, will not leave their homes because they cannot guarantee a parking space on their return.

The Chairman thanked everyone for their input, and brought the public discussion to a close.

Matters Arising:

1. Traffic items

Bus route and station parking. (RD/CAB)

See "public discussion".

A meeting with Network Rail and First Great Western has been arranged for w/e 17th February. Funding to be discussed. The NR feasibility study showed the provision for a total of 65 car parking spaces.

WCC Highways will be informed of any outcome going forward. Highways will be informed of the 220 signature petition. (Opposed to yellow lines) The Parish Council cannot instruct Highways to proceed with their proposal at this time, although it was agreed that traffic flow and access at dropped kerbs is still very important. Highways are to be approached, again, regarding the use of white lines. It is accepted that white lines are unenforceable, but they are successfully used elsewhere as a deterrent.

2. Allotments. (CAB/SH)

All plots have now been taken. There is a small waiting list.

The scout leader is to be contacted, regarding their proposals for this year.

3. Youth Club.

Report summary;

The Area Board funding for the film project is going towards producing a music and dance video.

They have had a non contact boxing session and are looking for a venue for some free football coaching in March. They have been offered arts activities and are looking to start some fund raising activities.

Parish Clerk to notify Youth Club, that the Recreation Ground maybe available for football coaching.

4. The Parish Council.

a) Governance.

Financial Regulations required no amendments. Risk Management has been slightly amended and a procedure to include a calendar of governance reviews for the coming year is being finalised.

b) Dealing with complainants.

The complainants and complaints policies were adopted, unanimously.

5. Three Tuns.

It is believed that an offer to purchase has been made.

6. The Wharf.

David Harris has made an enquiry regarding the use of the grassed area. The lease holder of the grassed area is to be confirmed.

7. 2012 Queen's Jubilee.

The grant from the Area Board has been applied for.

The Parish Council is urgently seeking volunteer organisers and helpers.

An article is to be placed in The Parish News.

8. Snow preparations.

A paid volunteer has been found for the salt/grit spreading. The pavements around the village were treated on Sunday morning. (5th Feb) A fresh supply of salt is to be purchased and stored in The British Legion a.s.a.p.

9. Playground. (KN)

A new delivery of bark has been ordered. All minor repairs have been completed and the preservation of the wood with oil will take place during the warmer months. The cradle swings have a small area of rot at the foot of one leg but there is still at least 2 years life in the equipment.

10. General upkeep of Village.

Cobbled drain gully in the High Street, outside Cross Keys, has not been treated. Clerk to resolve.

Litter.

Rubbish has been dumped in the small wood just up the hill from Church Lock. This has now been cleared with the exception of a half burnt-out TV, which will be cleared when weather improves.

In a gutter, east of Church Lock, there is a discarded mattress. How to remove this a problem. Volunteer help may be required.

Dog waste has been thrown into a tree, on the path behind The Knapp flats. Environmental Health to be contacted.

The Chairman thanked Anthea Rogers and Councillor Steve Hobson for their efforts in clearing the rubbish.

Correspondence received:

The correspondence received was then reviewed. These included the following:-

1. E-mail from Area Board, regarding Queen's Jubilee grant.
2. E-mail from Mr. Maloney regarding parking in The Knapp.
3. E-mail from Sally Rhodes regarding The Legion being involved with Queen's Jubilee celebrations.
4. E-mail from Steve Smith regarding parking in The Knapp and Three Tuns.
5. E-mail from Steve Smith regarding parking in The Knapp and Three Tuns.
6. E-mail from Clive Williams regarding Newbury Canoe Club race.
7. E-mail from Anthea Rogers regarding request for meeting.
8. Letter from Mick Goss regarding parking in The Knapp.
9. Letter from Anthea Rogers regarding parking in The Knapp and PC Governance.
10. Letter from Mike Strefford regarding request for information.
11. E-mail from Anthea Rogers regarding e-mail list.
12. E-mail from Cathy King regarding parking in The Knapp.
13. E-mail from Anthea Rogers referring to e-mail list.
14. E-mail from Ruth Francis requesting information.
15. E-mail from Jan Thornton re: Knapp Tenants Association regarding publication of e-mail list.
16. E-mail from Judy Haynes regarding Queen's Jubilee celebrations.
17. E-mail from Anthea Rogers regarding publication of e-mail list.
18. E-mail from Mike Strefford regarding minutes of December meeting.

**Draft Minutes of the Parish Council meeting held in the Village Hall on
Wednesday 14th March 2012**

Present: Cllrs Roger Durie (Chairman), Jenny Clack, Jim Raff, Steve Hobson, Karina Nicholson, Tom Mallinson, Nick Gibbins and Robert Barton, Member Burbage and the Bedwyns, Cabinet member for Campus Development and Culture, Stuart Wheeler, Pc Teresa Herbert and over 30 members of the public.

Apologies: Cllrs. Gordon Stone, Charles Howell and Paul Knowler.

Minutes: The minutes of the February monthly meeting were approved, and signed.

Declaration of Interests: Councillors were invited to declare any interest in items on the Agenda. There were no declarations of interest.

Public Discussion:

- **Ruth Francis** handed to the Chairman, 2 further sheets of the petition containing 33 signatures, objecting to the proposed introduction of yellow lines. (Total number of signatures 253)

- **Prudence Collett-Jobey** stated that the distribution of leaflets to residents of The Knapp was unacceptable, threatening behavior, and were delivered to vulnerable residents. The leaflets were referring to the proposed parking restrictions in The Knapp.

- **Ruth Francis** responded by saying that the leaflets were not threatening, and had been delivered to residents in other parts of the village. See below for leaflet;

IMPORTANT INFORMATION – PLEASE READ

Are you aware that there is a proposed parking scheme which will result in The Knapp (including the cul-de-sacs) having double-yellow lines and restricted disabled/limited waiting bays which will reduce the number of unrestricted spaces in the cul-de-sacs? Residents not able to find spaces will be expected to park behind the flats. Do you want traffic wardens in the village? The plans can be seen on the Parish notice boards. If you are opposed to this scheme, petitions are available to sign in The Stores, Post Office, Bakery and Hairdresser's. Alternatively, make your views known to Roger Durie (Chairman, Parish Council) at durieuk@aol.com (Tel: 870955) and/or Stuart Wheeler (County Councillor) at Stuart.Wheeler@wiltshire.gov.uk before the next Parish Council meeting on Wednesday 8th February. Thank you.

- **Jan Thornton** responded by saying that when the leaflets were delivered, the residents of The Knapp had no electric power and were feeling vulnerable. There was no life line available, and they had a fear of falling. There had been a massive change within The Knapp and therefore it had been a difficult year.

Matters Arising:

1. Traffic items

a) Bus route and station parking. (RD/CAB)

A meeting with Network Rail and First Great Western has taken place. First Great Western have applied for grant funding from a government fund for station improvement, and the outcome should be known by mid-June, and if approved could be implemented by the end of the year.

The Chairman read out the draft statement from Wiltshire Highways for the Parish Council meeting, to be sent to all interested residents and complainants, as follows;

1. Network Rail/First Great Western have applied to the DfT for funding to provide an extended station car park.
2. It is proposed that that no further work is carried on parking restrictions until the outcome of application for funding is known.
3. If the application is approved it might resolve the parking problem, or it might make the problem worse should Network Rail decide to charge for parking.

4. If the application is rejected the current discussions about the parking problems and possible solutions can be restarted.
5. If the application is approved Wiltshire Council will revisit the parking issues six months after the car park has been completed to establish if any changes are necessary.
6. In the interim the requested advisory disabled bays will be implemented together with advisory white lines to protect dropped kerbs. Advisory restrictions are not enforceable. Normally advisory restrictions do not require consultation but in this case they will be the subject of a delegated decision by the Cabinet Member for Highways and will be sent to all those who have communicated with the Council on this matter so that they can comment.
7. It has been suggested that white lines should be laid in problem areas; however these would not be enforceable. It has been suggested that white lines might be appropriate in The Knapp it might be helpful in discouraging inconsiderate parking, particularly where a problem is isolated and a traffic regulation order could not be justified or easily enforced. The advice from officers is that the use of white lines should be restricted to protect private accesses and dropped kerbs. As a result white lines will not be implemented except in the areas already mentioned.
8. It has also been suggested that limited waiting restrictions might be implemented in the cul-de-sacs and to area to protect the bell mouths of the cul-de-sacs. However this does not address the parking issues elsewhere and any impact, positive or negative, of the new station car parks should it be approved. Due to cost implications the Council's policy is not to implement parking restrictions piecemeal. If an alternative way of funding is put forward it will be considered, the cost is in the order of £3000.

The Chairman proposed a motion that the proposals from Network Rail should to considered before a decision was made regarding road markings.

There was unanimous acceptance of this motion.

The Chairman stated, in response to a question, that it was thought that a charge of approx. 80p per day would be levied at season ticket holders, if the car park was extended.

The Council then proposed a motion;

To identify Mrs Jan Thornton and the Group purporting to represent itself as The Knapp Tennants Association as vexatious and to inform Mrs Thornton of this decision in accordance with the Vexatious Complaints Policy adopted by Great Bedwyn Parish Council in February 2012.

To inform the complainant of the following:

- **Why the decision has been taken**

Due to continuing and unreasonable adversarial and aggressive correspondence with the Parish Council complaining about matters that have been dealt with by the Parish Council, are in the process of being dealt with by the Parish Council or have been disposed of during public meetings or in correspondence.

- **What action will be taken**

The complainant will be provided with a copy of the Parish Council's Vexatious Complaints Policy and informed that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of parking in The Knapp and any correspondence concerning this subject will be received and read by the Parish Council Chairman and Clerk only.

- **The duration of this action.**

This action will be maintained for a period not longer than 6 months and will be reviewed by the Parish Council at the end of that period.

Officers of Wiltshire Council and The Area Board will be informed of this action as will Ms Clare Perry MP.

The motion was carried. 7 votes for, and one abstention.

b) Pavement extension. (Church Street-High Street)

After a wait of over 3 years the pavement extension has now been implemented.

2. Allotments. (CAB/SH)

All plots have been taken. There is a small but growing waiting list.

It was proposed, and unanimously accepted, that a skip would be made available for the Scouts and general allotment holders. The Annual meeting is to be arranged, where the provision of the skip will be discussed. (Time and place)

3. Youth Club.

Report summary; The new assistant Abbi is doing a good job. Their film project has resulted in a music video which can be seen 28th March at 7.30. There is a possibility that the Youth Club will become part of the Duke of Edinburgh scheme.

It was announced at the meeting that youth leader Abbi would be standing down very soon and the process had begun to look for a replacement.

4. Three Tuns.

It is believed that an offer to purchase has been made, but negotiations are at a difficult stage. Application for change of use has not yet been withdrawn.

5. The Wharf.

British Waterways have removed all the poplar trees due to potential risks from them "snapping off" in high winds. These will be replaced later in the year with a mixture of indigenous hedging and trees.. There has been a protracted effort by David Harris to gain support from BW & The Bruce Trust for a leisure area. We are expecting confirmation in March 2012 that they will allow and fund a 'Jubilee' picnic area.

6. 2012 Queen's Jubilee.

The grant from the Area Board has been applied for. The Parish Council is still urgently seeking volunteer organisers and helpers. Councillor Jenny Clack and Judy Haynes made inquiries regarding the 1897 Jubilee. There was bell ringing and an organised "meat tea" by the church. Councillors Karina Nicholson and Tom Mallinson have agreed to review ideas but there is some uncertainty as to whether villagers are likely to support any event.

7. Playground. (KN)

A new delivery of bark has been supplied and laid. Condition of bark is being monitored. Maintenance/oiling of the wooden equipment still needs to be carried out before the school holidays.

8. General upkeep of Village.

Cobbled drain gully in the High Street, outside Cross Keys, has been treated. General road work is to be requested; including the kerb by the Bakery, gutter clearing, and the road surface over the two bridges.

Litter.

Dog waste has been thrown into a tree, on the path behind The Knapp flats. Environmental Health to be contacted.

Dog waste is again becoming a problem. Notice boards and Parish News to be used to warn of possible fines (£1.000 max.) The practicality of siting and emptying more waste bins is to be evaluated.

Memorial Playing Field.

The trees need to be inspected. There is a possible need for joint funding if work is found to be necessary.

Mobile Library.

Wiltshire Council is carrying out a review of their mobile library routes. On inspection, it would appear that there is no proposed change affecting Great Bedwyn.

Correspondence received:

The correspondence received was then reviewed. These included the following:-

1. E-mail from Anthea Rogers, regarding number of vehicles parked in The Knapp.
2. E-mail from Jan Thornton regarding item for the agenda.
3. E-mail from Jan Thornton regarding "inaccurate statement on Parish Web site".
4. E-mail from Mike Strefford regarding December minutes.
5. E-mail from Mike Strefford regarding agenda and PC Equality Statement.

Minutes of the Parish Council meeting held in the Village Hall on Wednesday 11th April 2012

Present: Cllrs Roger Durie (Chairman), Jenny Clack, Jim Raff, Steve Hobson, Gordon Stone, Tom Mallinson, Paul Knowler and Robert Barton, Member Burbage and the Bedwyns, Cabinet member for Campus Development and Culture, Stuart Wheeler, and over 15 members of the public.

Apologies: Cllrs. Charles Howell, Karina Nicholson, Nick Gibbins and Pc Teresa Herbert.

Minutes: The minutes of the March monthly meeting were approved, and signed.

Declaration of Interests: Councillors were invited to declare any interest in items on the Agenda. There were no declarations of interest.

Public Discussion:

- **Mick Goss** thanked the outgoing clerk for all his work under difficult circumstances over the last 12 months.

- **Jan Thornton** complained, regarding the late posting of the letter from the Parish Council that referred to the PC's Vexatious Complaints Policy. She stated that she had only received it on the 30th March, which was 2 weeks after the March monthly meeting. Mrs. Thornton then asked if all purporting representatives of the KTA were included in the motion. Mrs. Thornton stated that The Knapp Tenants Association does exist, and exceeds all requirements.

- **Post meeting note;** despite repeated requests from the Parish Council to Mrs. Thornton to supply the signed constitution, documentation detailing the membership, and proof of the management of the KTA, and following assurances by Mrs. Thornton that signed documents exist and are available, these have not been forthcoming.

- **Prudence Collett-Jobey** stated that many of The Knapp residents were members of The Knapp Tenants Association.

- **Ruth Francis** requested that bus services are discussed.

- **The Chairman** responded, saying that it would be discussed in Matters Arising, and was already on the agenda. (See item 6)

Matters Arising:

1. Traffic items

Bus route and station parking. (RD/CAB)

No update available. Report expected from First Great Western in early June.

2. Allotments. (CAB/SH)

Allotment holders meeting confirmed for Weds 25 April, to be held at the Cricket Club, Frog Lane. Letters to new allotment holders are to go out in April, as well as to all allotment holders asking for annual rent. Skip arrangements to be confirmed at the meeting. Condition of the large tree in the middle of the allotments is to be reviewed.

3. Three Tuns.

Contracts, apparently, are close to being exchanged and the new owners hope to re-open early June, after some alterations have been made.

4. 2012 Queen's Jubilee. (KN, TM)

GREAT BEDWYN PARISH COUNCIL

B3.9

Draft MINUTES OF A MEETING OF THE FULL COUNCIL HELD IN
GREAT BEDWYN MEMORIAL HALL, GREAT BEDWYN ON 9th MAY 2012 at 7.30pm

PRESENT: Cllr Roger Durie (Chairman), Cllr Jim Raff, Cllr Charles Howell, Cllr Jenny Clack, Cllr Steve Hobson, Cllr Gordon Stone, Cllr Paul Knowler, Cllr Nick Gibbins, Cllr Tom Mallinson, Cllr Nicholson

IN ATTENDANCE: Cllr Stuart Wheeler (Wiltshire Council), Teshar Fitzpatrick (Clerk) and approximately twenty members of the public.

5/1 APOLOGIES: None

5/2 DECLARATION OF INTEREST: None

5/3 MINUTES OF THE LAST MEETING: All being in agreement the minutes of the meeting held of 11th April 2012 were signed as a true record by the Chairman.

5/4 ITEMS FROM THE GENERAL PUBLIC: Mick Goss asked whether a confidential section of the meeting was permissible. Cllr Durie responded that we are not aware of any restriction on holding a 'confidential' session.

5/5 ELECTION OF OFFICERS: Moved to end of agenda.

5/6 ALLOTMENTS: Cllr Hobson gave a summary of the issues raised at the annual allotment holders meeting, including their decision not to have a skip. The lease for the site is due for renewal and Cllr Hobson and the clerk will meet with Carter Jonas to discuss. The drainage in that part of the village has been carefully managed so as to avoid flooding further down in Church Street, therefore no changes should be made. The clerk is to get a quote for widening of main gate to allow for vehicle access and contact tree surgeon to assess the willow tree. The scouts plot should be reviewed at a meeting with the scouts, which is yet to be set up. As regards the deteriorating wall at the back of the Legion, we will enquire if this is covered by their insurance. Since the last update, one allotment has been released and about to be filled soon. Cllr Durie questioned the size of the plots saying that the smaller sized ones appear to be more appropriate for new allotment holders who in the past have become 'over-awed' by larger plots and often given up. There are five people on the waiting list.

5/7 VILLAGE DESIGN STATEMENT: Cllr Durie spoke about the Village Design Statement (VDS) originally published in 2003. Cllr Gibbins asked how it held up in relation to new planning laws, the core strategy and the village envelope. Cllr Wheeler informed councillors that the VDS is registered with Wiltshire Council and it is still very much of relevance. He mentioned that Neighbourhood Plans are often applied to towns and villages that are seeking further development. In other cases, villages are creating a plan or statement in collaboration. It was felt that we should look at the VDS and update pages such as the map of the village. Cllr Howell will liaise with Grafton Parish to identify areas of common interest. It was agreed that we will seek written confirmation from the relevant people at WC that the current design statement is registered with them and that its contents are consistent with current strategy.

5/8 WASTE AND PROVISION OF BINS: An itemised proposal was read out, quoting the replacement of small wall mounted bins (on the Chains and outside the Bakery) with larger stand alone bins of twice the capacity. There was some discussion about where the smaller bins could be relocated. Cllr Clack had researched several options and pointed out that the bin that serves Shawgrove is overgrown and has a lid missing. Perhaps this bin could be returned to its original

GREAT BEDWYN PARISH COUNCIL

location on the church side of Church Street. Other ideas included Brook Street by the bus stop and at a point along the bridlepath running up to Copyhold.

It was agreed to research these locations further. Cllr Clack and Cllr Howell will include this in the remit of the Planning Committee and give their recommendations at a subsequent meeting of the full parish council.

5/9 THE WHARF: Cllr Durie told councillors of his correspondence with British Waterways (BW) and the use of the green area at the Wharf. It was felt that the removal of trees and than a recent increase in the number of larger vehicles was making the area unsightly. Cllr Nicholson expressed concern about our approaching BW as the car park provides useful additional parking for the village. Cllr Stone commented that the tow paths are not in good order, there are people walking on the field and some boats appear to be moored for an extended period.

Cllr Durie suggested that we write to BW to ask if the mooring permits are being enforced. Cllr Howell added that we should seek clarification from BW about who is allowed to use the Wharf car park.

Cllr Knowler brought to the council's attention the repair work that was nearly complete on Mills Bridge, saying that he was pleased to see this had taken place, albeit five years after initially requested.

5/10 JUBILEE EVENT: Cllr Nicholson summarised the arrangements for Great Bedwyn's celebration of the Queen's Diamond Jubilee. A 'village tea party' is to take place 3-5pm on Monday 4 June at the Memorial Playing Field. Tea & refreshments will be served free of charge to all attending. All attending will be asked to 'bring and share' cakes etc. With thanks to The Bowls Club for their assistance and use of their hut, The Bakery for their donation of 100 scones and to The Stores for donation of milk. There will also be traditional games, a tug of war and exhibition of local history. The meeting to finalise arrangements will take place Thursday 10 May.

5/11 DEFIBRILLATOR TRAINING: Cllr Durie reported that the Surgery had received a number of requests for defibrillator training and the practice manager Keith Marshall has asked if he PC are prepared to share funding of this again.

Cllr Durie proposed that the parish council contribute £75 towards training. Seconded by Cllr Clack and passed unanimously.

5/12 POLICE MATTERS: PC Herbert submitted a written report, a copy of which is available from the clerk. In summary, there have been two crimes, both of them garden sheds broken into overnight and tools stolen. The police are increasing their patrolling in the area.

5/13 PLANNING: Cllr Clack updated members on the most recent planning applications:

No objections:

1. 7 Back Lane, removal of building,
2. Granary Road, removal of poplar tree,
3. 7 Forest Hill, tree work,
4. Millbridge, Holgate and Pack, extension to workshop.

Full planning:

1. 29 Farm Lane, single storey extension,
2. 8 Brook Street, single storey extension,
3. Meadow Cottage, Crofton, garden studio.

5/14 FINANCE:

a) End of year accounts have been completed by Colin Brinsden and are due to be submitted to auditors. End of year total balance for income is £16,045.28 and for expenditure is £13,576.29.

b) Cllrs considered insurance. Cllr Raff proposed that we accept the quote, seconded by Cllr Knowler, carried unanimously.

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c) Authorisation of cheques:

- No. 0996 for £35, to ICO registration
- No. 0997 for £835.90 to Community First, insurance
- No. 0998 for £800 to Teshar Fitzpatrick, clerks wages
- No. 0999 for £424.15 to Wiltshire Association of Local Councils, annual subscription
- No. 1000 for £308.46, to Plandscape, for grounds maintenance for the month of April

Cllr Durie proposed that we proceed with the cheque payments, Cllr Howell seconded, carried unanimously.

d) There were no quotations for acceptance.

5/15 CORRESPONDENCE:

1. CPRE Wiltshire Open Day and notice of the 2012 AGM to be held in Amesbury. Cllr Clack will attend.
2. BACS Remittance Advice (Precept) from Wiltshire Council.
3. Wiltshire Council Arboricultural Officer informing us of changes to the Town and Country Planning (Tree Preservation) Regulations.
4. The Wharf recreation area – letter from British Waterways wishing to be updated of the village's Jubilee celebrations.
5. The recording of Parish Council meetings – Ruth Francis asked that the issue of personal data being recorded in the minutes be fully discussed amongst councillors. Cllr Durie responded by saying that we are reviewing this and would report back at a subsequent meeting.
6. Traffic calming – concerns were expressed by a resident of Brook Street, Mrs Anne Ryan. In particular visibility of pedestrians and obscured road signage. Councillors are to be sent the original email so that they can feedback their comments ahead of the review of the 20mph scheme.
7. Anti social behaviour – Mrs Graham emailed to ask what could be done about a group of young men and behaviour she witnessed outside the Bakery.

Other items of general information were available.

5/16 ITEMS VIA THE CLERK: Cllr Hobson asked if anyone could attend the next Pewsey Area Board on Monday 14th May and Cllr Raff said that he would confirm if he could. Cllr Durie read out an invitation to Crofton Steam Engines celebratory event on Saturday 16th June. Also read out, details of a New Councillors Course, via WALC, which is to take place on 19th May (all day) and 26th June (two hours.)

 There being no further business the Chairman moved into Confidential Session.

The annual election of Parish Council Officers returned the following by majority vote of those councillors present.

Chairman	Roger Durie
Deputy Chairman	Charles Howell
Pewsey Area Board	Steve Hobson with Jim Raff as reserve
Allotments	Steve Hobson
BWB	Steve Hobson
Planning	Jenny Clack, Gordon Stone, Jim Raff, Roger Durie, Charles Howell
Highways/Police Liaison	Jenny Clack, Roger Durie, Tom Mallinson
Youth Club/Playground	Karina Nicholson
Christmas Lights	Paul Knowler
Conservation	Charles Howell
Footpaths	Tom Mallinson, Paul Knowler Robert Barton, Nick Gibbins

Parking restrictions in The Knapp

Following our rejection in September of the initial scheme proposed by Wiltshire Council Highways (regarded as excessive and intrusive to the village) a 'minimal' scheme has now been drawn up that is very much in line with the Parish Council's original request.

This scheme will prohibit parking on the bends in the Knapp where previously parked cars have caused serious congestion, whilst helping to ensure that residents can still park in the two cul-de-sacs (these will be designated as a mixture of 'limited waiting' and 'disabled' spaces currently being finalized in discussion with The Knapp Tenants Association and WC Highways).

During discussions with Sarsen Housing on this subject they have agreed to mark out all the parking spaces behind the flats and remind residents that those spaces not required for residents of the flats (estimated to be fifteen) are available to them, their carers and visitors. This facility should alleviate one of the main concerns of residents expressed through the Knapp Tenants Association.

The parking restrictions will be in the form of yellow lines but WC Highways have proposed that these be of 'conservation area' grade involving narrower lines in a lighter yellow.

We are still hoping that additional parking spaces may be made available by utilising Network Rail's redundant siding land and they are carrying out a 'feasibility study' (now at their own expense) the outcome of which should be available in early 2012.

The Parish Council has unanimously voted to adopt this revised proposal, subject to suitable feedback/lack of complaints from residents. The scheme can be seen on the notice boards or via the Parish document store at <http://cid-18d98cbfb3b5ae6f.office.live.com/documents.aspx>

Roger Durie
17th December 2011

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Great Bedwyn Parish Council Vexatious Complaints Policy

A policy for dealing with abusive, persistent or vexatious complaints and complainants

1. Introduction

1.1 This policy identifies situations where a complainant, either individually or as part of a group, or a group of complainants, might be considered to be habitual or vexatious . The following clauses form the Council policy for ways of responding to these situations.

1.2 In this policy the term habitual means ‘done repeatedly or as a habit’. The term vexatious is recognised in law and means ‘denoting an action or the bringer of an action that is brought without sufficient grounds for winning, purely to cause annoyance to the defendant’. This policy intends to assist in identifying and managing persons who seek to be disruptive to the Council through pursuing an unreasonable course of conduct.

1.3 The term complaint in this policy includes requests made under the Freedom of Information Act 2000, The Equality Act 2010 and the Data Protection Act 1998 and reference to the Complaints Procedure is, where relevant, to be interpreted as meaning a request under those Acts.

1.4 Habitual or vexatious complaints can be a problem for Council staff and members. The difficulty in handling such complainants is that they are time consuming and wasteful of resources in terms of Officer and Member time. While the Council endeavours to respond with patience and sympathy to the needs of all complainants there are times when there is nothing further which can reasonably be done to assist or to rectify a real or perceived problem.

1.5 Raising of legitimate queries or criticisms of a complaints procedure as it progresses, for example if agreed timescales are not met, should not in itself lead to someone being regarded as a vexatious or an unreasonably persistent complainant. Similarly, the fact that a complainant is unhappy with the outcome of a complaint and seeks to challenge it once, or more than once, should not necessarily cause him or her to be labelled vexatious or unreasonably persistent.

1.6 The aim of this policy is to contribute to the overall aim of dealing with all complainants in ways which are demonstrably consistent, fair and reasonable.

2. Habitual or Vexatious Complainants

2.1 For the purpose of this policy the following definitions of habitual or vexatious complainants will be used:

The repeated and/or obsessive pursuit of:

(1) unreasonable complaints and/or unrealistic outcomes;
and/or

(2) reasonable complaints in an unreasonable manner.

2.2 Prior to considering its implementation the Parish Council will send a *summary* of this policy to the complainant to give them prior notification of its possible implementation.

2.3 Where complaints continue and have been identified as habitual or vexatious in accordance with the criteria set out in Section 3, the Parish Council will seek agreement to treat the complainant as a habitual or vexatious complainant for the appropriate course of action to be taken. Section 4 details the options available for dealing with habitual or vexatious complaints.

2.4 The Clerk on behalf of the Parish Council will notify complainants, in writing, of the reasons why their complaint has been treated as habitual or vexatious and the action that will be taken. Wiltshire Unitary Councillors for Great Bedwyn will also be informed that a constituent has been designated as an habitual or vexatious complainant.

2.5 The status of the complainant will be kept under review. If a complainant subsequently demonstrates a more reasonable approach, then their status will be reviewed.

3. Definitions

3.1 Great Bedwyn Parish Council defines unreasonably persistent and vexatious complainants as those complainants who, because of the frequency or nature of their contacts with the Council, hinder the Council's consideration of their or other people's complaints. The description 'unreasonably persistent' and 'vexatious' may apply separately or jointly to a particular complainant.

3.2 Examples include the way in which, or frequency with which, complainants raise their complaints with staff or how complainants respond when informed of the Council's decision about the complainant.

3.3 Features of an unreasonably persistent and/or vexatious complainant include the following (the list is not exhaustive, nor does one single feature on its own necessarily imply that the person will be considered as being in this category):

An unreasonably persistent and/or vexatious complainant may:

- have insufficient or no grounds for their complaint and be making the complaint only to annoy (or for reasons that he or she does not admit or make obvious)
- refuse to specify the grounds of a complaint despite offers of assistance
- refuse to co-operate with the complaints investigation process while still wishing their complaint to be resolved
- refuse to accept that issues are not within the remit of the complaints policy and procedure despite having been provided with information about the scope of the policy and procedure
- refuse to accept that issues are not within the power of the Council to investigate, change or influence
- insist on the complaint being dealt with in ways which are incompatible with the complaints procedure or with good practice (e.g. insisting that there must not be any written record of the complaint)
- make what appear to be groundless complaints about the staff dealing with the complaints, and seek to have them dismissed or replaced
- make an unreasonable number of contacts with the Council, by any means in relation to a specific complaint or complaints
- make persistent and unreasonable demands or expectations of staff and/or the complaints process after the unreasonableness has been explained to the complainant (an example of this could be a complainant who insists on immediate responses to questions, frequent and/or complex letters, faxes telephone calls or e-mails)
- harass or verbally abuse or otherwise seek to intimidate staff dealing with their complaint, in relation to their complaint by use of foul or inappropriate language or by

the use of offensive and racist language or publish their complaints in other forms of media

- raise subsidiary or new issues whilst a complaint is being addressed that were not part of the complaint at the start of the complaint process
- introduce trivial or irrelevant new information whilst the complaint is being investigated and expect this to be taken into account and commented on
- change the substance or basis of the complaint without reasonable justification whilst the complaint is being addressed
- deny statements he or she made at an earlier stage in the complaint process
- are known to have electronically recorded meetings and conversations without the prior knowledge and consent of the other person(s) involved
- adopts a 'scattergun' approach, for instance, pursuing a complaint or complaints not only with the Council, but at the same time with, for example, a Member of Parliament, other Councils, elected Councillors of this and other Councils, the Council's Independent Auditor, the Standards Board, the Police, other public bodies or solicitors
- refuse to accept the outcome of the complaint process after its conclusion, repeatedly arguing the point, complaining about the outcome, and/or denying that an adequate response has been given
- make the same complaint repeatedly, perhaps with minor differences, after the complaints procedure has been concluded and insist that the minor differences make these 'new' complaints which should be put through the full complaints procedure
- persistently approach the Council through different routes or other persons about the same issue
- persist in seeking an outcome which Council has explained is unrealistic for legal or policy (or other valid) reasons
- refuse to accept documented evidence as factual
- complain about or challenge an issue based on an historic and/or an irreversible decision or incident
- combine some or all of these features.

4. Imposing Restrictions

4.1 The Parish Council will ensure that the complaint is being, or has been, investigated properly according to the adopted complaints procedure.

4.2 In the first instance the Clerk will consult with the Chairman of the Council prior to issuing a warning to the complainant. The Clerk will contact the complainant in writing, or by e-mail, to explain why this behaviour is causing concern and ask them to change this behaviour and outline the actions that the Council may take if they do not comply.

4.3 If the disruptive behaviour continues, the Clerk will issue a reminder letter to the complainant advising them that the way in which they will be allowed to contact the Parish Council in future will be restricted. The Clerk will make this decision in consultation with the Chairman of the Council and inform the complainant in writing of what procedures have been put in place and for what period.

4.4 Any restriction that is imposed on the complainant's contact with the Council will be appropriate and proportionate and the complainant will be advised of the period of time over which that the restriction will be in place. In most cases restrictions will apply for

between three to six months, but in exceptional cases this may be extended. In such cases the restrictions would be reviewed on a quarterly basis, or at the next Council Meeting.

4.5 Restrictions will be tailored to deal with the individual circumstances of the complainant and may include:

- banning the complainant from making contact by telephone except through a third party e.g. a solicitor, a Councillor or a friend acting on their behalf
- banning the complainant from sending emails to individuals and/or all Council Officers and insisting they only correspond by postal letter
- requiring contact to take place with one named member of staff only
- restricting telephone calls to specified days and/or times and/or duration
- requiring any personal contact to take place in the presence of an appropriate witness
- letting the complainant know that the Town Council will not reply to or acknowledge any further contact from them on the specific topic of that complaint (in this case, a designated member of staff or the Council will be identified who will read future correspondence).

4.6 When the decision has been taken to apply this policy to a complainant, the Clerk will contact the complainant in writing to explain:

- why the decision has been taken
- what action has been taken
- the duration of that action.

4.7 The Clerk will enclose a copy of this policy in the letter to the complainant.

4.8 Where a complainant continues to behave in a way that is unacceptable, the Clerk, in consultation with the Chairman may decide to refuse all contact with the complainant and stop any investigation into his or her complaint.

4.9 Where the behaviour is so extreme or it threatens the immediate safety and welfare of staff, other options will be considered, e.g. the reporting of the matter to the police or taking legal action. In such cases, the complainant may not be given prior warning of that action.

Policy adopted February 2012

Great Bedwyn Parish Council

Standing Orders

These Standing Orders were adopted by the Council at its meeting held on 10th September 2007. *Reviewed and revised 14th April 2010. Reviewed and revised 11 January 2012.*

These Standing Orders form the basis of Great Bedwyn Parish Council administration. For areas not covered in our standing orders refer to the NALC Standing Orders.

1. Questions

No questions shall be asked that are not connected with the business under discussion except during the part of the meeting set aside for questions.

2. Rules of Debate

- (a) No discussion shall take place upon the minutes, except upon their accuracy.
- (b) No speech by a mover of a resolution shall exceed 3 minutes.
- (c) A member other than the mover of a resolution, shall not, without leave of the council, speak more than once on any resolution, except to move an amendment or further amendment or to move a closure.
- (d) The ruling of the Chairman on a point of order or on the admissibility of a personal explanation shall not be discussed.
- (e) Whenever the Chairman rises during a debate all other members shall be seated and silent.

3. Disorderly Conduct

- (a) No member shall at a meeting persistently disregard the ruling of the Chairman, wilfully obstruct business, or behave irregularly, offensively, improperly, or in such a manner as to scandalise the Council or bring it into contempt or ridicule.
- (b) If in the opinion of the Chairman, a member has broken the provisions of paragraph (a) of this Order, the Chairman shall express that opinion to the Council and thereafter any member may move that the member named leave the meeting, and the motion, if seconded, shall be put forthwith and without discussion.
- (c) If either of the motions mentioned in paragraph (b) is disobeyed, the Chairman may suspend the meeting or take such further as may reasonably be necessary to enforce them.

4. Committees & Sub-Committees

The Chairman & Vice-chairman ex-officio shall be members of every committee.

5. Unauthorised Activities

No Member of the Council or of any committee or sub-committee shall in the name of or on behalf of the Council

- (a) Inspect any lands or premises which the Council has a right or duty to inspect; or
- (b) Issue orders, instructions or directions unless authorised to do so by the Council or the relevant committee or sub-committee

6. Admission of the Public & Press to Meetings

- a) Members of the public are encouraged to attend parish council and committee meetings for the purpose of making representations, giving evidence or answering question, at a given time.
- b) If a member of the public interrupts the proceedings at any meeting (except when invited to do so by the Chairman), the Chairman may, after warning, order that he/she be removed from the Council Chamber.

7. Confidential Business

- (a) No member of the Council or of any committee or sub-committee shall disclose to any person not a member of the Council any business declared to be confidential by the Council, the committee or sub-committee as the case may be

(b) Any member in breach of the provisions of paragraph 7(a) of this standing order shall be removed from any committee or sub-committee of the Council by the Council.

8. Finance

(a) The Finance Committee shall consist of: -

- The Chairman or in his/her absence, the Vice-chairman of the Parish Council
- The Responsible Financial Officer (RFO) appointed by the Parish Council
- The Clerk to the Parish Council who will undertake the day-to-day operation of the account.
- Where no appointee can be found from the members of the Council, the Clerk shall be appointed the Responsible Finance Officer.

(b) The Clerk will be responsible for writing all cheques, which must be signed by two of the authorised signatories, being the Chairman, Vice-chairman and another councillor. Authority for all payments must be approved by the Council and recorded in the Minute Book. Wherever possible, all payments will be made by cheque.

(c) The Clerk/RFO shall prepare the Annual Precept and, after approval by the full Council, submit it to the District Council for payment as required.

(d) The Clerk shall bank regularly all monies due to the Council and ensure all outgoing payments are paid promptly.

(e) The Clerk shall be responsible for submitting all VAT returns and dealing with any VAT inspections, which may arise.

(f) The Clerk/RFO shall balance and prepare the accounts in accordance with the regulations for Audit by 30th September annually.

9. Obligations arising from legislation.

(a) Crime and Disorder Act 1998.

Section 17 is the relevant part. This states:

“Without prejudice to any other obligation imposed on it, it shall be the duty of each authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.”

(b) Data Protection Act.

For the purposes of this Act the “Data Controller” is the Parish council, and the relevant premises are the Village Hall, or such premises as the council formally notifies as its meeting place. The Parish Council will inform an individual in response to his/her request, what information it holds about him/her. Such information will be provided as a photocopy or by inspection of the original document(s) at the relevant premises, prior to a formal meeting of the council.

(c) Race Relations Act.

In accordance with Section 71.1 the Parish Council acknowledges its duty under the Race Relations (Amendment) Act 2000, and resolves that in the provision of its services, due regard will be given to:

- the elimination of unlawful discrimination
- the promotion of equal opportunity
- the promotion of good race relations between peoples of different racial groups.

(d) The Freedom of Information Act.

The council will provide information in accordance with the minimum core model scheme, issued by the Information Commissioner. The council may levy a charge for providing the information. The information may be supplied as a photocopy, or electronically, or by inspection of the document at the relevant premises prior to a formal meeting of the council, within 20 working days of receipt of a request or receipt of payment where applicable.

(e) Disability Discrimination Act. Part III; Employment Equality (Sexual orientation) Regulations 2003; Employment Equality (Religion or Belief) Regulations 2003; Employment Equality (Age) Regulations 2006.

The council will have regard to the Equal Opportunity obligations in all its dealings.

No member of the public, job applicant, elected member, or employee shall receive less favourable treatment on the grounds of gender, race, sexual orientation, marital/family status, disability, religion/belief or age

Approved by the Great Bedwyn Parish Council at the Meeting of *11 January 2012.*

.....Chairman.Dated.

EXTRACT FROM NATIONAL ASSOCIATION OF LOCAL COUNCILS MODEL STANDING ORDERS

4 Motions requiring written notice

- a In accordance with standing order 3(b)(iii) above, no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer at least () clear days before the next meeting.
- b The Proper Officer may, before including a motion in the agenda received in accordance with standing order 4(a) above, correct obvious grammatical or typographical errors in the wording of the motion.
- c If the Proper Officer considers the wording of a motion received in accordance with standing order 4(a) above is not clear in meaning, the motion shall be rejected until the mover of the motion resubmits it in writing to the Proper Officer in clear and certain language at least () clear days before the meeting.
- d If the wording or nature of a proposed motion is considered unlawful or improper, the Proper Officer shall consult with the Chairman of the forthcoming meeting or, as the case may be, the Councillors who have convened the meeting, to consider whether the motion shall be included or rejected in the agenda.
- e Having consulted the Chairman or councillors pursuant to standing order 4(d) above, the decision of the Proper Officer as to whether or not to include the motion in the agenda shall be final.
- f Notice of every motion received in accordance with the Council's standing orders shall be

numbered in the order received and shall be entered in a book, which shall be open to inspection by all councillors.

- g Every motion rejected in accordance with the Council's standing orders shall be duly recorded with a note by the Proper Officer giving reasons for its rejection in a book for that purpose, which shall be open to inspection by all councillors.
- h Every motion and resolution shall relate to the Council's statutory functions, powers and lawful obligations or shall relate to an issue which specifically affects the Council's area or its residents.

5 Motions not requiring written notice

- a Motions in respect of the following matters may be moved without written notice.
 - i. To appoint a person to preside at a meeting.
 - ii. To approve the absences of councillors.
 - iii. To approve the accuracy of the minutes of the previous meeting.
 - iv. To correct an inaccuracy in the minutes of the previous meeting.
 - v. To dispose of business, if any, remaining from the last meeting.
 - vi. To alter the order of business on the agenda for reasons of urgency or expedience.
 - vii. To proceed to the next business on the agenda.
 - viii. To close or adjourn debate.
 - ix. To refer by formal delegation a matter to a committee or to a sub-committee or an employee.
 - x. To appoint a committee or sub-committee or any councillors (including substitutes)thereto.
 - xi. To receive nominations to a committee or sub-committee.
 - xii. To dissolve a committee or sub-committee.
 - xiii. To note the minutes of a meeting of a committee or sub-committee.
 - xiv. To consider a report and/or recommendations made by a committee or a sub-

committee or an employee.

- xv. To consider a report and/or recommendations made by an employee, professional advisor, expert or consultant.
- xvi. To authorise legal deeds [to be sealed by the Council's common seal] OR [signed by two councillors] and witnessed.
(See standing orders 14(a) and (b) below.)
- xvii. To authorise the payment of monies up to (£).
- xviii. To amend a motion relevant to the original or substantive motion under consideration which shall not have the effect of nullifying it.
- xix. To extend the time limit for speeches.
- xx. To exclude the press and public for all or part of a meeting.
- xxi. To silence or exclude from the meeting a Councillor or a member of the public for disorderly conduct.
- xxii. To give the consent of the Council if such consent is required by standing orders.
- xxiii. To suspend any standing order except those which are mandatory by law.**
- xxiv. To adjourn the meeting.
- xxv. To appoint representatives to outside bodies and to make arrangements for those representatives to report back the activities of outside bodies.
- xxvi. To answer questions from councillors.

- b If a motion falls within the terms of reference of a committee or sub-committee or within the delegated powers conferred on an employee, a referral of the same may be made to such committee or sub-committee or employee provided that the Chairman may direct for it to be dealt with at the present meeting for reasons of urgency or expedience.

6 Rules of debate

- a Motions included in an agenda shall be considered in the order that they appear on the agenda unless the order is changed at the Chairman's direction for reasons of expedience.
- b Subject to standing orders 4(a)–(e) above, a motion shall not be considered unless it has been proposed and seconded.
- c Subject to standing order 3(b)(iii) above, a motion included in an agenda not moved by the councillor who tabled it, may be treated as withdrawn.
- d A motion to amend an original or substantive motion shall not be considered unless proper notice has been given after the original or substantive motion has been seconded and notice of such amendment, shall, if required by the Chairman, be reduced to writing and handed to the Chairman who shall determine the order in which they are considered.
- e A Councillor may move amendments to his own motion. If a motion has already been seconded, an amendment to it shall be with the consent of the seconder.
- f Any amendment to a motion shall be either:
 - i. to leave out words;
 - ii. to add words;
 - iii. to leave out words and add other words.
- g A proposed or carried amendment to a motion shall not have the effect of rescinding the original or substantive motion under consideration.
- h Only one amendment shall be moved and debated at a time, the order of which shall be directed by the Chairman. No further amendment to a motion shall be moved until the previous amendment has been disposed of.
- i Subject to Standing Order 6(h) above, one or more amendments may be discussed together if the Chairman considers this expedient but shall be voted upon separately.

- j Pursuant to standing order 6(h) above, the number of amendments to an original or substantive motion, which may be moved by a councillor, is limited to one.
- k If an amendment is not carried, other amendments shall be moved in the order directed by the Chairman.
- l If an amendment is carried, the original motion, as amended, shall take the place of the original motion and shall become the substantive motion upon which any further amendment may be moved.
- m The mover of a motion or the mover of an amendment shall have a right of reply, not exceeding () minutes.
- n Where a series of amendments to an original motion are carried, the mover of the original motion shall have a right of reply in respect of the substantive motion at the very end of debate and immediately before it is put to the vote.
- o Subject to standing orders 6(m) and (n) above, a councillor may not speak further in respect of any one motion except to speak once on an amendment moved by another councillor or to make a point of order or to give a personal explanation.
- p During the debate of a motion, a councillor may interrupt only on a point of order or a personal explanation and the councillor who was interrupted shall stop speaking. A Councillor raising a point of order shall identify the standing order which he considers has been breached or specify the irregularity in the meeting he is concerned by.
- q A point of order shall be decided by the Chairman and his decision shall be final.
- r With the consent of the seconder and/or of the meeting, a motion or amendment may be withdrawn by the proposer. A councillor shall not speak upon the said motion or amendment unless permission for the withdrawal of the motion or amendment has been refused.
- s Subject to standing order 6(o) above, when a councillor's motion is under debate no other

B3.14

Gazette & Herald

MARLBOROUGH

Council calls woman's parking campaign 'vexatious'

6:00pm Wednesday 18th April 2012 in

Marlborough



Station parking protester Jan Thornton has been told by Great Bedwyn Parish Council to shut up and go away after members decided her campaign to stop rail commuters parking on the estate where she lives had become "vexatious".

Mrs Thornton was instrumental in setting up The Knapp Residents Association and leading a so-far unsuccessful campaign to get double yellow lines to prevent commuters parking outside their homes blocking access, she said, for carers and doctors.

Last November the tenants association told the Gazette they were getting little support from the parish council, claiming it was blocking any move to improve parking near the station for residents of The Knapp.

The issue has since escalated into an all-out confrontation between the parish council and Mrs Thornton, 53, resulting in the authority declaring The Knapp tenants' campaign to be vexatious and saying it will no longer respond to letters or emails from Mrs Thornton.

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Great Bedwyn Parish News has already declared it will not publish any correspondence from The Knapp other than what is reported in parish council minutes.

[▶ Get a quote](#)

This has led to Philip Blunt, who lives in Brook Street, writing to the Gazette. He said: "Where's democracy and free speech when

we need it?"

Mr Blunt, who runs an IT consultancy, said:

"The parish council, the Parish News and the Bedwyn Railway Passenger Group are doing their best to silence Jan.

"This grubby little proposal smacks of an organisation silencing someone who is making life awkward for them... a shame on the council members behind this."

Council chairman Roger Durie confirmed the council had declared the residents' association and Mrs Thornton "vexatious" and would not respond to any further letters or emails from them.

Coun Durie said: "She keeps on writing emails and letters no matter what we do and we would do exactly the same with anyone else who acted in this way."

Mrs Thornton said her letters and emails were neither aggressive nor offensive. She said she had lodged complaints with the Standards Board about both the council and Coun Durie and said: "They have tried every which way to gag me but I am not giving up."

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Devizes

17.6°C

20% chance of rain

[weather forecast »](#)

0

[Email](#)

[FEATURED JOBS](#)

B3.15

9/30/11

[REDACTED]
[REDACTED]
Mrs J Thornton
Secretary
The Knapp Tenants Association

Dear Mrs Thornton,

Would you please supply me with a list of your members and minutes of all your monthly meetings since inception, as detailed in The Knapp Tenants Association constitution.

Yours sincerely,

Roger Durie
Chairman
Great Bedwyn Parish Council

GREAT BEDWYN PARISH COUNCIL

Colin A Brinsden
Parish Clerk

Tel. [REDACTED]
[REDACTED]
[REDACTED]

The Knapp Tenants Association,
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

23rd January 2012

The Knapp Tenants Association

Dear [REDACTED] and Mrs. Thornton,

As you are aware, at the January Parish Council meeting, during Public Discussion, questions were asked regarding the membership, constitution and validity of The Knapp Tenants Association. It was stated that none of your documents appear to have been published, or were in the public domain.

I believe some of this information has already been requested, and has not been forthcoming. To convince members of the public that you truly represent the Knapp tenants it is essential that this information is available and I would therefore be grateful if you would furnish me with a copy of your constitution and the minutes of your last two meetings.

At the February Parish Council meeting we expect a significant number of residents to object to the latest parking restriction proposals for The Knapp. If we are to take into account the views of your members we will need documentary evidence that they have seen these proposals and are in favour of them.

Yours sincerely,

Colin Brinsden
Parish Clerk

From: jan thornton [REDACTED]
To: colin [REDACTED]
Sent: Tuesday, 24 January 2012, 14:51
Subject: The Knapp Tenants Association

B3.17

Further to your request by post which was received late this morning.
Please find attached The Knapp Tenants Association Constitution. It includes our complaints procedure.

It was approved by Sarsen Housing and created with their recommendations.

The signed copy is held here, a copy will be posted to you.

At present we have accessed more than 50% of tenants regarding the proposal which we received on the 11th of January. We are at present coordinating a survey of tenants which will be forwarded directly to Highways. This survey, as with the others we have conducted in the past comply with Care Standards guidelines relating to confidentiality and the protection of vulnerable adults.

The minutes of the last two meetings will be forwarded to you when i have redacted the confidential information they include. Most of which relates to Mr Durie's 'visit's' to our homes. I am seeking the permission of those who have made the comments for their permission for the comments to remain minuted. This process will take a few days.

Please note that a joint reply to [REDACTED] and myself is not appropriate. [REDACTED] does not represent The Knapp Tenants Association.

Jan Thornton
Secretary
The Knapp Tenants Association

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

CONSTITUTION OF THE KNAPP TENANTS ASSOCIATION

- 1. The group shall be known as The Knapp Tenants Association.**
- 2. The registered address of the Association shall be the address at which the Secretary resides :
15 The Knapp, Great Bedwyn. Wiltshire. SN8 3PA**
- 3. The aim of the Association shall be to resolve the parking problems in The Knapp.**
- 4. Membership of the group will be open to all tenants living in The Knapp.**
- 5. Membership of the Association will be free and all tenants will automatically become members unless they have indicated to the Secretary otherwise.**
- 6. The Association shall encourage an even spread of membership across the estate.**
- 7. The Association shall ensure that all tenants in The Knapp are regularly consulted on and informed about the activities regarding the Association.**
- 8. The group will be managed by a committee consisting of Chairman, Secretary and three link members.**
- 9. The Committee shall meet every month on the first Wednesday of the month unless previously agreed. The meetings to be held at [REDACTED]**
- 10. The Management Committee shall call an annual general meeting not less than twelve months after the first meeting and not more than fifteen months from the last meeting. 28 days clear notice shall be given to all members.**
- 11. Reasonable conduct at all meetings is a condition of membership. Offensive behaviour or comments will not be accepted.**
- 12. Meetings must be attended by a minimum of three link members one of whom must be either the Chairman or Secretary.**
- 13. The Secretary shall ensure proper records shall be kept of each meeting.**
- 14. Dissolution of the Association will require the majority vote at the monthly meeting. 28 days notice will be given to all tenants.**
- 15. Any complaints should be raised with the link members or with the Secretary directly. Due to confidentiality members may prefer to contact Julie Kirk directly. If any member considers their complaint to be unresolved within the Association, they may refer to Julie Kirk to represent them. All final resolution is with Julie Kirk based at The Priory, or her successor.**

This document was adopted as the Constitution of The Knapp Tenants Association.

On 23rd February 2011

**SIGNED
Chairman**

Secretary

Link

Members

Date 23rd Feb. 2011

A copy of the Constitution is available to all tenants on request.

Date: Tue, 24 Jan 2012 17:57:06 +0000
From: [REDACTED]
Subject: Re: The Knapp Tenants Association
To: [REDACTED]

Dear Mrs. Thornton,

Thank you for this information, and information still to come. It is noted, and if/when questions are being asked in "Public Discussion" the Parish Council can confirm that we have received confirmation of Constitution, Members etc. Hopefully, signatures will be available. At the last PC meeting, village residents appeared to question the number of Knapp residents that were actually represented by The Knapp Tenants Association.

Regarding my joint reply. I did not regard it as inappropriate. Your e-mail of complaint appeared to be based on correspondence that you had received from [REDACTED]

Regards

Colin Brinsden (Parish Clerk Great Bedwyn)

Date: Mon, 30 Jan 2012 09:58:09 +0000
From: [REDACTED]
Subject: Re: The Knapp Tenants Association
To: [REDACTED]

Dear Mrs. Thornton and [REDACTED]

With reference to your e-mail below; we are receiving more correspondence from village residents.

I have highlighted a couple of points raised, see below;

"still concerned that disabled residents of the Knapp (not just their Association officers) may not have had the chance to see it themselves and they are the ones whose current parking arrangements will be restricted by the loss of spaces that the proposals will create." (With reference to the latest drawings)

"The cul-de-sacs are used for long term parking by residents who wish to park outside their houses, so are they being offered alternative parking?"

I think this highlights the need to show village residents, that all The Knapp tenants who are represented by The Knapp Tenants Association, have been shown and made aware of the latest parking restrictions proposed for The Knapp.

We therefore need to have proof of this, ready for the next PC meeting. Judging by the response to a couple of your answers at the last meeting, your word will be questioned.

With reference to your statement; **comply with Care Standards guidelines relating to confidentiality and the protection of vulnerable adults.** I have reviewed the guidelines, and cannot convince myself that this is applicable to The Knapp Tenants Association. Could you please give details as to why you think your association is governed by Care Standards? It is my believe that only one resident of The Knapp is covered under the guidelines of Care Standards, and it is not known if she is a member of your association.

I believe it is in your interest to produce signed documents so that the Parish Council can confirm the validity of The Knapp Tenants Association. This should include, the minutes of your last two meetings, documents stating the number of The Knapp residents on whose behalf you act, the statement regarding that all your residents have been made aware of the new parking proposals, and your signed Constitution.

Regards

Colin Brinsden (Parish Clerk Great Bedwyn)

From: [REDACTED]
To: [REDACTED]
Subject: RE: The Knapp Tenants Association
Date: Fri, 3 Feb 2012 22:54:42 +0000

Thank you for the copy of Steve's Email. It was appreciated. Though i suspect not by Mr Smith.....

It is such a shame that we have been denied access to the Parish Magazine, the incompetence and closed shop attitude of the BTPG and the PC has denied the villagers knowledge of the true extent of the problems we experience.

We confess surprise as to the lack of accuracy regarding not just the existing proposal, but the process and the consequences. Including the PC's failure to lodge a proposal with Highways for future requirements in this January's submissions. Placing Great Bedwyn at the bottom of requests beneath every other Parish in Wiltshire.

The Parish Council voted for the scheme as witnessed by members of the public and press. Stuart Wheeler made it clear that the next stage is submission of complaints/support directly to WC. You may believe that it is in our interest to produce further information to you, but we see no reason to submit any further information to a biased PC that has misrepresented the tenants of the Knapp and their representatives.

How sad that the PC has clearly failed to take note of the information supplied previously regarding the needs of the tenants. The housing is classified as sheltered, the tenants are classified as THE most vulnerable and fragile within the handover groups from Ridegway to Leonard Cheshire.

I find it amusing that you have in your infinite wisdom/arrogance consulted with the Care Standard Guidelines and have suddenly become an expert to such an extent that you are, clearly without any knowledge of the tenants, able to make such an outrageous statement that only one resident is covered by the Care Standards.

All tenants will be formally consulted, all tenants will have the opportunity to complete a confidential response and all tenants will be asked to sign to show that they have been consulted. This will be done at the correct time when the public notices are placed in The Knapp, as per the instructions and advice of the Highways team. The documentation is already in place.

We do have one further point we wish to make. The Parish Council have

requested proof of our Constitution and proof of meetings. We trust that this is a standard request for all groups and associations that the Parish Council interacts with, including the BTPG. Toddlers group, Scouts and Beavers and the Legion. And that this information is recorded and documented. To request it from just one group is victimisation.

I have attached section 149 of The Disability Act 2010. I would suggest you should have applied your time to studying this and applying it to the actions of the Parish Council, hopefully with more success than your attempt at Care Standards.

149

Public sector equality duty

(1) A public authority that is you must, in the exercise of its functions, have due regard to the need to—

(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic TKTA and persons who do not share it ;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;

(b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;

(c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to—

(a) tackle prejudice, and

(b) promote understanding.

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

**(7)The relevant protected characteristics are—
age;disability;gender reassignment;pregnancy and maternity;race;religion
or belief;sex;sexual orientation.(8)A reference to conduct that is
prohibited by or under this Act includes a reference to—
(a)a breach of an equality clause or rule;
(b)a breach of a non-discrimination rule.
(9)Schedule 18 (exceptions) has effect**

**Jan Thornton
Secretary
The Knapp Tenants Association**

From: [REDACTED]
To: [REDACTED]
Subject: The Knapp Tenants Association
Date: Fri, 10 Feb 2012 18:39:55 +0000

Great Bedwyn Parish Council

Following your request for documentation i can confirm that the 'amendments' have been made to the minutes of our last two meetings, with the consent of the tenants named in the minutes. I must now wait until our next Tenants meeting to allow the link members to check/approve the details are acceptable. In order to save costs i will forward the signed copy of the Constitution at the same time. I am sure you will appreciate that we receive no funding so all costs fall to the link members.

The tenants have now completed the questionnaires, which include their views regarding the latest proposal. These were returned to us in sealed envelopes by the tenants and will be will be sent directly to Highways in accordance with the tenants wishes.

The gritting and snow clearance of the Paths in The Knapp was appreciated. May i make one suggestion, at 6am the light is deceptive. Would it be worth considering that a high viz jacket is worn.

**Jan Thornton
The Knapp Tenants Association**

GREAT BEDWYN PARISH COUNCIL

Colin A Brinsden
Parish Clerk

[Redacted]
[Redacted]
[Redacted]

Tel [Redacted]

28th March 2012

Mrs. Thornton,

[Redacted]
[Redacted]

Re: Parking in The Knapp

Dear Mrs. Thornton and the group purporting to represent itself as The Knapp Tenants Association,

The Great Bedwyn Parish Council has passed a motion that if you continue to persist in openly criticising and corresponding with The Council on this subject, in a habitual and vexatious manner, the Council will designate you and the group as vexatious, and apply the restrictions contained in our Vexatious Complainants Policy. (A copy of which is enclosed).

Despite repeated requests from The Parish Council and your assurances at several Parish Council Meetings that signed documents exist and are available, you have failed to supply documentation establishing the authenticity of The Knapp Tenants Association,

In view of the above, The Parish Council is unable to recognise or accept that The Knapp Tenants Association actually exists and therefore **any correspondence from KTA will not be responded to.**

I have also enclosed the Council's motion for your reference.

Yours sincerely

Colin Brinsden

Council Motion

To identify Mrs Jan Thornton and the Group purporting to represent itself as The Knapp Tennants Association as vexatious and to inform Mrs Thornton of this decision in accordance with the Vexatious Complaints Policy adopted by Great Bedwyn Parish Council in February 2012.

To inform the complainant of the following:

- Why the decision has been taken

Due to continuing and unreasonable adversarial and aggressive correspondence with the Parish Council complaining about matters that have been dealt with by the Parish Council, are in the process of being dealt with by the Parish Council or have been disposed of during public meetings or in correspondence.

- What action will be taken

The complainant will be provided with a copy of the Parish Council's Vexatious Complaints Policy and informed that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of parking in The Knapp and any correspondence concerning this subject will be received and read by the Parish Council Chairman and Clerk only.

- The duration of this action.

This action will be maintained for a period not longer than 6 months and will be reviewed by the Parish Council at the end of that period.

Officers of Wiltshire Council and The Area Board will be informed of this action as will Ms Clare Perry MP.

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DECISION NOTICE:

Refer to Determination Sub-Committee

Reference WC 06/12

Subject Member

Councillor Roger Durie of Great Bedwyn Parish Council

Complainant

Mrs Jan Thornton

Independent Person

Stuart Middleton

Deputy Monitoring Officer

Frank Cain

The Monitoring Officer has, in consultation with the Independent Person, considered a complaint by Mrs Jan Thornton that Councillor Durie, a member of Great Bedwyn Parish Council, breached the Parish Council's Code of Conduct.

The event giving rise to the complaint took place on 14 March 2012, and the complaint was therefore assessed against the statutory Code of Conduct which was in force at that date.

The Monitoring Officer for Wiltshire Council has carried out this function pursuant to the approved arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011.

Decision

The Monitoring Officer's decision is that he is satisfied that the investigator's report is sufficient to determine this matter and that the matter be referred to a hearing in respect of the allegation concerning the allowing of the motion to adopt the vexatious policy to remain in part I.

The Monitoring Officer has made this decision, in consultation with the Independent Person, and having regard to the complaint, the Investigator's report, the complainant's and Councillor Durie's comments on the draft report.

Reasons for decision

The Monitoring Officer upholds the findings of the Investigating Officer of no breach in respect of the allegation concerning the use of the word "purported" in

regard to the Knapp's Resident's Association for the reasons given within the investigator's report.

In regard to the allegation concerning the allowing of the motion to adopt the vexatious policy to remain in Part 1 the Monitoring Officer is satisfied that the investigation has been conducted properly.

The investigating officer has concluded there is evidence of a failure to comply with the Code of Conduct and the Monitoring Officer is of the view that this matter is unlikely to be able to be resolved through alternative resolution.

Therefore pursuant to clause 6.4 the Monitoring Officer must refer the matter for hearing before the Hearing Sub-Committee.

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.

Wiltshire Council

Standards Hearing Sub-Committee

Pre-Hearing Process Summary

Authority	Wiltshire Council
Subject Member	Roger Durie of Great Bedwyn Parish Council
Complainant	Mrs Jan Thornton
Case reference number	WC 06/12
Members of the Standards Hearing Sub-Committee	<p>Cllr Trevor Carbin Cllr Peter Fuller Cllr Howard Greenman</p>
Monitoring Officer / Legal Adviser to the Standards Hearing Sub-Committee	Mr Frank Cain
Clerk of the hearing	Pam Denton
Investigator	Ms Marie Lindsey
Date of Pre-Hearing Review	20 February 2013
Summary of the complaint	
Relevant sections of the Code of Conduct	<p>Paragraph 3(1) – You must treat others with respect</p> <p>Paragraph 5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute</p>
Date, time and place of the hearing	11 March 2013: 2pm in Marlborough

<p>Findings of fact in the investigation report that are agreed</p>	<p>It would appear from the information sent by Cllr Durie that all facts are agreed apart from the number of people attending the meeting.</p>
<p>Findings of fact in the investigation report that are not agreed</p>	
<p>Does the subject member disagree with any findings of the investigation report, including reasons for any of these disagreements ?</p>	<p>Paragraph 7.20 of report Paragraph 7.29 of report</p>
<p>Does the subject member wish to give evidence to the standards committee, either orally or in writing?</p>	<p>Not indicated by subject member</p>
<p>Does the sub-committee want to call relevant witnesses to give evidence to the standards committee?</p>	<p>No</p>

Does the subject member wish to be represented at the hearing by a solicitor, barrister or any other person?	No
Does the subject member want to call relevant witnesses to give evidence to the standards committee?	No
Does the subject member want any of the hearing to be held in private?	No
Does the subject member want any part of the investigation report or other relevant documents to be withheld from the public?	No
Will the Investigator be attending the hearing?	Yes
Proposed procedure for the hearing	The Procedure will follow the Council's Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011 (attached) as explained by the Chairman at the Pre-hearing Review.

Additional Directions	<p>The sub-committee do not see the status of the Knapp residents Assoc or whether the complainant is or is not vexatious as relevant issues to be determined by this sub-committee.</p> <p>The issues that needs to be determined by the sub committee are: -</p> <ol style="list-style-type: none">1. Whether this motion should have been accepted as a motion from the floor.2. If it was should it have been determined as a Part 1 item.3. If the answer to either issue 1 or 2 is no then did the subject member (as chairperson of the meeting) breach the relevant code of conduct by his failure to ensure correct procedures were followed within the meeting.

Agenda Item 5c

Case ref. WC06/12 Roger Durie's comments on the report dated 9th August

The situation preceding Mrs Thornton's complaint was that she and two others (one of whom was neither a resident of The Knapp nor anything to do with The Knapp Tenants Association) have bombarded the Parish Council with aggressive and adversarial correspondence continually berating The Council and implying that no action had been taken to try and deal with parking issues in the area.

The reality is that we have worked hard to improve the situation but depend on the co-operation and support of other bodies (in this case Network Rail, First Great Western, Wiltshire Council and Aster Communities, the housing association now managing The Knapp properties).

The e-mail in support of Mrs Thornton's complaint was written by [REDACTED]
[REDACTED] This e-mail appears to add weight to Mrs Thornton's case if viewed by anyone not aware of his relationship but under the circumstances ought to be discounted because of his relationship

Mrs Thornton has pursued her campaign against the Parish Council as secretary of The Knapp Tenants Association. An organization formed by her but one that she has been unable to produce documentary evidence of its existence to The Parish Council, despite numerous requests. However, she was apparently able to provide Marie Lindsay with a signed copy of the constitution on May 9th but this has not been made available to the PC. We understand that the Chairman of the organization has now resigned, although once again we have not been formally advised of this.

It is interesting to note from Marie Lindsay's report that membership of The Knapp Tenants Association is deemed to be 'automatic' unless residents have opted out. This alone raises concerns about the validity of the organization and adds to the PC's concerns as to whether Mrs Thornton truly represents the number of residents she claims to. In her complaint she stated that the association had 49 members but in her statement to Marie Lindsay the number of members stated was only 30?

During the last twelve months four Parish Councillors and our clerk have resigned as a direct result of Mrs Thornton's behavior/actions and that of her associates. A number of members of the public have begun to attend our Parish Council meetings specifically to support the PC and monitor the behaviour of these people.

The Motion proposed

The motion to warn Mrs Thornton that we would declare her vexatious if her behavior persisted was proposed and discussed under the first item on the agenda of our March 2012 meeting 'Bus route and station parking' - this being the subject of Mrs Thornton's vexatious behaviour. At this time I was not aware that we could exclude members of the public without having previously designated an agenda item as a 'confidential session' where it was clear the public could not be present.

At the time the motion was proposed by Councillor Raff in the main body of the meeting (**not under public discussion**) there were apparently only a few members of the public remaining (including Mrs Thornton). according to Colin Brinsden the clerk at the time. Mrs Thornton's claim in her complaint that 40 members of the public being present at that time is incorrect. The majority of members of the public recorded in the minutes of the meeting had left at the end of public discussion

Report section 7.29

I contest the suggestion that taking the 'vexatious' motion reduced the public's confidence in me and brought the council into disrepute. I believe that the opposite is true and that the public welcomed the motion and the adoption of it. However, I do admit to being technically wrong by not excluding the public from this part of the meeting

Report Section 7.20

This states that the implementation of the vexatious complaints policy is considered an unreasonable and excessive personal attack on Mrs Thornton – I consider this comment to be inappropriate and believe that most members of our community and the other members of the PC saw this as a defence mechanism against future harassment by Mrs Thornton. I am disappointed that Marie Lindsay appears to have been 'taken in' by Mrs Thornton when the majority of our residents have been able to deduce for themselves the type of person that she really is.

The Wider Picture

Our Area Board Member Stuart Wheeler has attended numerous meetings where he has witnessed Mrs Thornton and her associates behaviour and has himself been subject to e-mail bombardment/harassment by them. He has also seen the upsurge in attendance of members of the public who are unhappy with the behaviour of Mrs Thornton and her associates.

In all her dealings with the PC (and with the media) Mrs Thornton has consistently been economical with the truth and this has been the cause of the public anger/frustration that is now evident against her and her associates

Wiltshire Council

Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011

1 Context

- 1.1 These arrangements are made under Section 28 of the Localism Act 2011. They set out the process for dealing with a complaint that an elected or co-opted member of Wiltshire Council or of a parish, town or city council within its area has failed to comply with their Code of Conduct.
- 1.2 An overview of the complaints process is attached at Annex 2.
- 1.3 These arrangements are subject to the Council's Procedure for dealing with vexatious complaints.
- 1.4 The Monitoring Officer will determine as a preliminary issue whether a complaint relates to the Code of Conduct and is to be dealt with under these arrangements.
- 1.5 The Monitoring Officer will encourage complainants to explore whether the matter can be resolved without the need to submit a formal complaint under this process.

2 Interpretation

- 2.1 'Member' means a member or a co-opted member of Wiltshire Council, or of a parish, town or city council within its area, against whom a complaint has been made under the Code of Conduct.
- 2.2 'Council' means Wiltshire Council.
- 2.3 'Investigating Officer' means the person appointed by the Monitoring Officer to undertake an investigation of an allegation of misconduct by a Member.
- 2.4 'The Monitoring Officer' is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the arrangements for dealing with complaints of member misconduct. It includes any officer nominated by the Monitoring Officer to act on his or her behalf in that capacity.

- 2.5 'Independent Person' means a person appointed under Section 28(7) of the Localism Act:
- a. whose views must be sought and taken into account before a decision is made on an allegation of member misconduct under these arrangements;
 - b. who may be consulted by the Member about the complaint.
- 2.6 In order to avoid any conflict of interest two Independent Persons will be allocated to each complaint, one to advise and assist the Monitoring Officer and the Hearing Sub-Committee, and the other to be available for consultation by the Member.
- 2.7 'Parish Council' means a parish, town or city council within the area of Wiltshire Council.
- 2.8 'Code of Conduct' means the code of conduct for members which the Council and Parish Councils are required to adopt under Section 27 of the Localism Act 2011.
- 2.9 'Days' means working days.
- 2.10 'Parties' includes the Complainant, Member and the Investigating Officer.
- 2.11 The 'Hearing Sub-Committee' is a sub-committee of the Council's Standards Committee appointed to determine complaints of member misconduct under these arrangements.
- 2.12 The 'Review Sub-Committee' is a sub-committee of the Council's Standards Committee appointed to review a decision of the Monitoring Officer under sections 4 and 6 of these arrangements.
- 2.13 Where a complaint is made against a member of a Parish Council the Clerk to the Parish Council will be notified of the complaint and kept informed of the progress and outcome of the matter.
- 2.14 Documents will be deemed to have been received by the Parties on the seventh day after the date of posting.

3 Making a Complaint

- 3.1 A complaint against a Member under the Code of Conduct must be made in writing on the Council's standard form (*available from the Council's web-site and offices*) and addressed to the Monitoring Officer [*address / e-mail*] within 20 days of the date on which the complainant became aware of the matter giving rise to the complaint.
- 3.2 The Monitoring Officer will acknowledge receipt of the complaint within 5 days of receiving it, and will send a copy to the Member.

- 3.3 The Member will be invited to submit a written response to the complaint within 10 days of the date on which it is sent to them.
- 3.4 At any time during the complaints process the Member may seek advice and assistance in connection with the complaint from a friend or professional legal adviser, in confidence, and/or consult the Independent Person designated for that purpose.
- 3.5 Anonymous complaints will not be accepted for assessment unless the Monitoring Officer is satisfied that there would otherwise be a serious risk to the Complainant's personal safety, in which case the Monitoring Officer will decide how the complaint should be taken forward.

4. Initial Assessment

- 4.1 The Monitoring Officer will review the complaint within 5 days of receiving the Member's response and, after consultation with the Independent Person, will decide whether it merits formal investigation.
- 4.2 In reaching this decision the Monitoring Officer will have regard to the Standards Committee's assessment criteria.
- 4.3 The Monitoring Officer will inform the Parties of his or her decision and the reasons for it in writing.
- 4.4 The Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. This may involve mediation or other suitable action, including training or an apology by the Member.
- 4.5 Where the Member or the Council make a reasonable offer of local resolution, but the Complainant is not willing to accept that offer, the Monitoring Officer may take this into account in deciding whether the complaint merits formal investigation.
- 4.6 If the complaint identifies potential criminal conduct by any person, the Monitoring Officer may call in the Police or other regulatory agencies.
- 4.7 The Complainant or the Member may request a review of the Monitoring Officer's decision at the initial assessment stage.
- 4.8 A review will be determined by a Review Sub-Committee who may decide:
 - a. to dismiss the complaint or take no further action on the complaint;
 - b. to refer the complaint to the Monitoring Officer for investigation or other suitable action, including mediation.

5 Investigation

- 5.1 If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer within 2 days of the decision to investigate and inform the Parties of the appointment.
- 5.2 The Investigating Officer will investigate the complaint in accordance with guidelines produced by the Monitoring Officer and will send a copy of the investigation report, including all documents relied upon as evidence, to the Parties, in confidence, within 30 days of the notification of the Investigating Officer's appointment.
- 5.3 The Parties will be invited to submit any written comments on the report to the Monitoring Officer within 10 days of the date on which the report is sent to them. The Member may request an extension of this timescale.

6 Consideration of Investigating Officer's Report

- 6.1 The Monitoring Officer will, as soon as reasonably practicable, review the Investigating Officer's report and any comments submitted by the Parties, in consultation with the Independent Person.
- 6.2 Where the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct and the Monitoring Officer is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will, after consultation with the Independent Person, inform the Parties that no further action is required.
- 6.3 If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report and findings.
- 6.4 Where the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct the Monitoring Officer will, after consulting the Independent Person, either refer the matter for hearing before the Hearing Sub-Committee or seek an alternative resolution.
- 6.5 The Complainant may request a review of a decision by the Monitoring Officer, following consideration of the Investigating Officer's report, to dismiss the complaint.
- 6.6 A review will be determined by the Review Sub-Committee who may decide:
 - a. to dismiss the complaint;
 - b. to refer the complaint for hearing by the Hearing Sub-Committee
 - c. To refer the complaint to the Monitoring Officer to seek alternative resolution.

7. Alternative Resolution

- 7.1 Where the Monitoring Officer, in consultation with the Independent Person, considers that the matter can reasonably be resolved without the need for a hearing, he/she will consult with the Parties to seek to agree a fair resolution which also helps to ensure higher standards of conduct for the future.
- 7.2 Alternative resolution may involve mediation and may include the Member accepting that their conduct was unacceptable and offering an apology, and/or other remedial action by the Council or the Parish Council as the case may be. If the Member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee, and the relevant Parish Council where appropriate, for information, but will take no further action.
- 7.3 The Member may elect to proceed to a hearing rather than accept alternative resolution.

8. Hearing

- 8.1 If the Monitoring Officer, after consultation with the Independent Person, considers that alternative resolution is not appropriate or, after exploring the possibility, concludes that it is unlikely to be achieved he/she will refer the matter to the Hearing Sub-Committee to conduct a local hearing to determine the complaint. A hearing will be held within 20 days of the date on which the Monitoring Officer refers the matter to the Hearing Sub-Committee for determination, subject to the Member's right to request an extension of time.
- 8.2 The Member may be represented at the hearing by a friend or legal representative.
- 8.3 The Hearing Sub-Committee, supported by the Monitoring Officer, will conduct a pre-hearing review to identify the issues, areas of agreement and disagreement, and to give directions for the efficient conduct of the hearing. This may either be conducted in writing or by a meeting with the Parties.
- 8.4 The Monitoring Officer will notify the Parties in writing of the directions for the hearing.
- 8.5 The Sub-Committee may exclude the press and public from the hearing where it appears likely that confidential or exempt information will be disclosed and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.
- 8.6 At the hearing, the Investigating Officer will present their report, call such witnesses as they consider necessary and make representations to substantiate their conclusion that the Member has failed to comply with the Code of Conduct.
- 8.7 The Complainant will have the right to make a statement in support of their complaint.

- 8.8 The Members of the Hearing Sub-Committee and the Member may ask questions of the Investigating Officer and any witnesses called.
- 8.9 The Member will have an opportunity to give their evidence, to call witnesses and to make representations as to why they consider that they did not fail to comply with the Code of Conduct.
- 8.10 The Members of the Hearing Sub-Committee and the Investigating Officer will have the opportunity to ask questions of the Member and any witnesses called.
- 8.11 The Parties may each make a concluding statement.
- 8.12 The Members of the Hearing Sub-Committee will then withdraw, with the Independent Person, to consider the case, taking advice from the Independent Person and, where necessary, from the Monitoring Officer on law and procedure.
- 8.13 The Hearing Sub-Committee may conclude that the Member did not fail to comply with the Code of Conduct, and so dismiss the complaint.
- 8.14 If the Hearing Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Parties of this finding and the Hearing Sub-Committee will then consider what action, if any, should be taken as a result of the breach.
- 8.15 The Investigating Officer and the Member will be invited to make representations on the question of sanctions.
- 8.16 The Hearing Sub-Committee will, after consulting the Independent Person, determine what action, if any, to take (or recommend in the case of a parish councillor) in respect of the matter.

9. Sanctions

- 9.1 The Council has delegated to the Hearing Sub-Committee such of its powers to take action in respect of individual members of the Council as may be necessary to promote and maintain high standards of conduct. The Hearing Sub-Committee may therefore impose (or, in the case of a parish, town or city councillor, recommend) one or more of the sanctions set out in Annex 1.

10. Decision

- 10.1 At the end of the hearing, the Chairman will announce the decision of the Hearing Sub-Committee in summary form.
- 10.2 The Monitoring Officer will send the Parties, and where appropriate the relevant Parish Council, a formal decision notice, which will be published on the Council's web-site and made available for public inspection.

11. Revision of these arrangements

- 11.1 The Council may by resolution agree to amend these arrangements, and has delegated to the Monitoring Officer and the Hearing Sub-Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

12. Reviews

- 12.1 Any request for a review must be made in writing to the Monitoring Officer within 5 days of the date of receipt his/her decision and must set out the grounds for the review.
- 12.2 A review request will be determined by the Review Sub-Committee, after consulting the Independent Person, within 14 days of receipt of the request.

13. Appeals

- 13.1 There is no right of appeal for the Complainant or the Member against a decision of the Hearing Sub-Committee.

14. Confidentiality

- 14.1 All information regarding the complaint will remain confidential until determined otherwise by the Monitoring Officer or Hearing Sub-Committee.

Annex 1

Sanctions

Censure

1. Censure and report to the Council or relevant Parish Council; and/or

Removal from Committees, Sub-Committees, Cabinet and Outside Bodies

2. Recommend to the Member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the Member is removed from any Committee or Sub-Committee of the Council;
3. Recommend to the Leader of the Council that the Member is removed from the Cabinet, or removed from particular portfolio responsibilities;
4. Remove the Member from any or all outside appointments to which he/she has been appointed or nominated by the Council or relevant Parish Council.

Training

5. Instruct the Monitoring Officer to arrange training for the Member.

Publish

6. Publish its findings in respect of the Member's conduct in the minutes of the Council or relevant Parish Council.

Note:

In the case of *R v Broadland District Council ex parte Lashley* the Court of Appeal recognised that it was within the Council's powers to take action that was calculated to facilitate and was conducive or incidental to, the council's functions (1) of maintaining its administration and internal workings in a state of efficiency and (2) of maintaining and furthering the welfare of its employees.

This may enable a Hearing Sub-Committee to impose restrictions on a member for the purpose of securing the efficient and effective discharge of the Council's functions. These might, for instance, include the withdrawal of certain facilities, such as a computer, e-mail and/or internet access, or exclusion from certain parts of the council's premises, provided that the measures do not interfere with the democratic process. However, this may not be used as a punitive measure nor, in particular, to justify the suspension or disqualification of a member.

Legal advice will need to be taken on the extent to which this potential option may be available in the particular circumstances of each case.

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