

AGENDA

Meeting: Standards Hearing Sub-Committee
Place: Pitman Committee Room - Trowbridge Civic Centre, St Stephens Place, Trowbridge, BA14 8AH
Date: Tuesday 30 July 2013
Time: 11.30 am
Matter: **Standards Committee Hearing regarding the alleged conduct of Councillor Russell Hawker of Westbury Town Council**

Please direct any enquiries on this Agenda to Samuel Bath, 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 Desna Allen
Cllr Howard Greenman

Cllr Roy While

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 **Minutes of the Sub-Committee**

The Sub Committee will confirm the Minutes of the previous meeting dated 10 April 2013. A copy of the draft minutes are included in Appendix C of the Agenda Pack.

5 **Exclusion of the Press and Public**

To consider 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 6 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 1 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

- 6 **Standards Committee Hearing regarding the alleged conduct of Councillor Russell Hawker of Westbury Town Council**
 - 6a **Consideration of the Investigator's Report** (*Pages 1 - 290*)
 - 6b **Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011** (*Pages 291 - 302*)

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CONFIDENTIAL - NOT FOR PUBLICATION - Contains exempt information as defined in paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972.

Standards Hearing Sub-Committee

Agenda Item No.

30 July 2013

Complaint regarding the alleged conduct of Councillor Russell Hawker, a Member of Westbury Town Council - Reference WC 03/12

1. On the 23rd January 2012 the Monitoring Officer for Wiltshire Council received a complaint from Mr John (Ian) Taylor, regarding the alleged conduct of Councillor Russell Hawker, a member of Westbury Town Council.
2. Mr Taylor alleges that Councillor Hawker has bullied him and behaved disrespectfully towards him at a function held on the 21 October 2011 to launch the refurbished Laverton Institute building, and at meetings of Westbury Town Council, and in emails sent to various recipients in relation to work carried out by Mr Taylor as a member and Chair of the Laverton Institute Management Committee (see appendix A1, pages 32-36).
3. On the 23rd February 2012 the Standards Assessment Sub-committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-committee decided to refer the allegations to the Monitoring Officer for investigation (see appendix A2, pages 37-38).
4. The Monitoring Officer delegated his investigatory powers to Roger Wiltshire, Ethical Governance Officer for Wiltshire Council, under section 82A of the Local Government Act 2000.
5. In the course of the investigation the following paragraphs of the Code of Conduct were considered –
Paragraph 2(1)(a) and 2(1)(b) – Scope
Paragraph 3(1) – You must treat others with respect
Paragraph 3(2) – You must not (b) bully any person; See pages 5 and 6 of the Final Report.

- 6.** The Investigator's report finds that Councillor Hawker failed to treat a member of the public with respect, and there has been a breach of paragraph 3(1) of the Code of Conduct.
- 7.** The Investigator's report finds that Councillor Hawker bullied Mr Taylor and there has been a breach of paragraph 3(2)(b) of the Code of Conduct.
- 8.** A copy of the Investigator's report and further documentation submitted by Cllr Hawker and his former representative, Mr Morland, is included at appendix A.
- 9.** On 1 July 2012 a new standards regime was introduced under the Localism Act 2011. Transitional regulations introduced under that Act provided for the complaint to be dealt with under new arrangements established by the Council. The Monitoring Officer's view, contested by the complainant, is that the complaint should be determined against the Code of Conduct that was in force at the material times when the matters giving rise to the complaint occurred .
- 10.** The Monitoring Officer, in consultation with the appointed Independent Persons, reviewed the matter in accordance with paragraph 6 of Wiltshire Council's Arrangements for dealing with Code of Conduct complaints under the Localism Act 2011. Having carefully considered the Investigating Officer's report and findings, and in accordance with paragraph 6.4 of the arrangements, it was decided to refer the complaint to the Hearing Sub-Committee of the Standards Committee for determination.
- 11.** A preliminary hearing was held on 20 March 2013 to consider preliminary issues raised by the complainant, including the question of the Sub-Committee's jurisdiction to hear the case. A copy of the Minutes of the preliminary hearing is attached at Appendix B.
- 12.** The Hearing Sub-Committee met again on 10 April 2013 and decided to grant Cllr Hawker's request for a postponement of the hearing. A copy of the Minutes of that meeting is attached at Appendix C.
- 13.** The Hearing Sub-Committee is therefore required to determine whether Councillor Hawker's actions have breached paragraphs 3(1), and 3(2)(b) of the Code of Conduct.

Ian Gibbons, Monitoring Officer

Report Author: Ian Gibbons

Appendices:

Appendix A

Investigating Officers report

Subject Members comments and Additional Documentation

Investigating Officers comments

Additional Correspondence

Appendix B

Standards Sub Committee Preliminary Hearing Minutes 20 March 2013

Appendix C

Standards Sub Committee Preliminary Hearing Draft Minutes 10 April 2013

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Private and Confidential

Case Reference: WC 03/12

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

REPORT

Date – 24th August 2012

Content

- 1. Executive Summary**
- 2. The Complaint**
- 3. Preliminary Issues**
- 4. Relevant Legislation**
- 5. Evidence Gathered**
- 6. Summary of the evidence and findings of material facts**
- 7. Reasoning**
- 8. Findings**

1. Executive Summary

- 1.1 On the 23rd January 2012 the Monitoring Officer for Wiltshire Council received a complaint from Mr John (Ian) Taylor. Mr Taylor alleges that Councillor Hawker has bullied him and behaved disrespectfully towards him at functions and meetings of Westbury Town Council, and in emails sent to various recipients in relation to work carried out by Mr Taylor as a member and Chair of the Laverton Institute Trust Management Committee (see appendix A1, pages 32 -36).
- 1.2 On the 23rd February 2012 the Standards Assessment Sub-committee of Wiltshire Council considered the complaint. In accordance with section 57A(2) of the Local Government Act 2000, as amended, the Assessment Sub-committee decided to refer the allegations relating to a breach of paragraph 3(1) *You must treat others with respect*, and paragraph 3(2) *You must not (b) bully any person*, of the Code of Conduct to the Monitoring Officer for investigation (see appendix A2, pages 37 - 38).
- 1.3 The Monitoring Officer delegated his investigatory powers to Roger Wiltshire, Ethical Governance Officer for Wiltshire Council, under section 82A of the Local Government Act 2000

1.4 Findings

- 1.4.1 In the events identified in paragraphs 7.4 to 7.12 below Councillor Hawker was either conducting the business of his authority or gave the impression he was acting as a representative of the authority. Accordingly the complaints fall within scope of the Code of Conduct by virtue of paragraph 2 of the Code.
- 1.4.2 The Standards for England guidance on paragraph 3(1) of the Code (*You must treat others with respect*), is clear that 'individuals should not be subject to unreasonable or excessive personal attacks'. Councillor Hawker actions and comments were both unreasonable and excessive and there has been a breach of paragraph 3(1) of the Code of Conduct.
- 1.4.3 The Standards for England guidance on paragraph 3(2) of the Code (*You must not... (b) bully any person*), says that bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Councillor Hawker has acted in a manner contrary to the guidance and there has been a breach of paragraph 3(2)(b) of the Code of Conduct.

1.5 Councillor Hawkers Official Details

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

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

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

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

3 Preliminary issues

3.1 The start date of the complaint

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

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

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

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

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

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

4 The relevant legislation and guidance

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

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

(a) conduct the business of your authority (which, in this Code, includes the business of the office to which you are elected or appointed); or
(b) act, claim to act or give the impression you are acting as a representative of your authority, and references to your official capacity are construed accordingly.

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

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

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

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

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

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

4.8 The European Convention on Human Rights.

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

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

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

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

5 Evidence gathered

5.1 Oral evidence

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

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

5.2 Other evidence

Documents have been received from -

Councillor Hawker

The staff of Westbury Town Council

The White Horse News paper

The Adjudication Panel website

6 Summary of the evidence and findings of material facts

Background

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

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

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

Detailed evidence and Findings of Fact

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

6.10 'The Laverton launch event'

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Councillor Hawker's speech caused some upset.

6.11 The Westbury Town Forums

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

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

Councillor Hawker contributes to discussions using the pseudonym 'Baldy'

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

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

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

6.11.5 **The content of the forum posts**

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

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

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

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

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

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

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

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

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

- 6.11.7 In the Appeals Tribunal case reference APE 0421 Councillor McTigue, the Tribunal found that Councillor McTigue, when making postings to a forum site using the pseudonym 'Indie' gave the impression she was acting in her role of councillor and representing the council (see appendix B1, pages 47-48).
- 6.11.8 The First Tier Tribunal in case reference LGS/2011/0537, Councillor Brookes, decided that a blog entry made by Councillor Brookes in which he described in detail an account of a council meeting, was made in his official capacity; he was using his blog to communicate, as a councillor, with the electorate of the parish (see appendix B2, pages 49-50).
- 6.11.9 I have taken into account the content of Councillor Hawker's posts to the forum site and the Tribunal decisions as highlighted in paragraphs 6.11.7 and 6.11.8 above, and find that whilst making posts to the Westbury Town Forum, Councillor Hawker gave the impression he was acting in his capacity as a councillor and was representing the council.

6.12 Westbury Town Council meeting 7th November 2011

- 6.12.1 A full meeting of Westbury Town Council was held on the 7th November 2011.
- 6.12.2 Councillor Hawker attended the meeting in his capacity as a member of Westbury Town Council
- 6.12.3 During the 'Public Forum' section of the above meeting, Mr Taylor made a statement regarding the speech made by Councillor Hawker at the Laverton re-launch event. Mr Taylor's statement included that he had given a small dossier of documents to the Town Clerk.
- 6.12.4 During the 'Public Forum' section of the same meeting, Mr J Clegg made comments regarding the way Councillor Andrews had been dismissed as Chair of the Laverton Institute Trust Management Committee.
- 6.12.5 The minutes of the 7th November meeting state 'In reply, Councillor Hawker stated he stood by all he had said against Mr I Taylor and Mr J Clegg'.
- 6.12.6 A motion was raised at the 7th November 2011 meeting, that the Laverton Institute Trust Management Committee be changed from a working group, to a committee of the Council. The motion was defeated.
(See appendices F1 pages 114-116, F2 pages 117-120, F3 pages 121, and F4 pages 122-137).

6.13 The White Horse News paper

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

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

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

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

6.14 Westbury Town Council email addresses

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

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

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

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

6.15.2 The email includes –

A request for documents of Westbury Town Council;

A request for documents given to and held by Westbury Town Council;

How Councillor Hawker wants to receive those documents;

The time at which the information was to be ready;

The request for information is in bold print;

The instruction for the documents to be available 'ASAP' is also in bold print.

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

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

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

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

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

6.16 The Laverton General Interest Group (GIG)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 Reasoning

7.1 Matters that fall to be considered in the investigation

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

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

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

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

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

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

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

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

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

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

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

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

7.4 Paragraph 2 of the Code of Conduct, Scope

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

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

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

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

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

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

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

7.8 Councillor Hawker's email 24th November 2011

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

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

7.9.1 The emails of 25th and 26th November 2011

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7.17 Councillor Hawker's email 24th November 2011

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

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

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

7.17.3 Definitions of the above phrases include –

'Pack of lies' – a completely false story or account;

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

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

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

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

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

7.18 The General Interest Group emails

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

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

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

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

7.18.5 The definitions of the above phrases include –

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

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

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

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

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

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

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

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

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

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

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

Standards for England guidance relating to paragraph 3(2)(b) of the Code of Conduct is included in appendix B3. The guidance includes – *‘Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour, and may form part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual...’*. The accusations and comments made by Councillor Hawker as set out in paragraphs 7.14 – 7.18.7 above, are offensive, insulting and humiliating to Mr Taylor, and they are an attempt to undermine Mr Taylor.

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

8 Findings

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

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

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

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Appendix A

Schedule of Finding of Fact

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

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

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

Appendix B

Case reference WC 03/12 Councillor Hawker

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A5	Councillor Hawker's declaration of acceptance of office	41
A6	Email from Barbara Mantle 7 th July 2011 and the status of the Laverton Institute Trust and Management Committee.	42
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Complaint Form – Members' Code of Conduct

Your details

1. Please provide us with your name and contact details

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

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

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

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

2. Please tick the box that best describes you:

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

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

First name	Last name	Authority
Russell	Hawker	Wiltshire & Westbury Councils

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Additional help

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

DECISION NOTICE: REFER FOR INVESTIGATION

Reference WC – 03/12

Subject Member

Councillor Russell Hawker – Westbury Town Council

Complainant

Mr John Taylor

Assessment Sub-Committee Membership

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

Monitoring Officer

Ian Gibbons

Complaint

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

Decision

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

Reasons for Decision

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

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

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

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

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

Additional Help

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

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

Signed:



Date:

21st March 2012

Chairman of the Wiltshire Council Assessment Sub-Committee

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

Hello

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

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

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

Kind regards

Barbara
Westbury Town Council
01373 822232

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

Dear Mrs Mantle,

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

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

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

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

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

REGISTER OF MEMBERS' INTERESTS

Local Government Act 2000 S.81(1)

A4

From: Cllr. Russell Hawker of [REDACTED]

To: The Monitoring Officer, Wiltshire Council

Cc: The Town Clerk, Westbury Town Council

Date: 7th June 2010

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

I give notice of the following interests to be registered:

Sponsorship

None

Declarable Gifts

None

Contracts with Wiltshire Council or Westbury Town Council

None

Land in the area of either authority

My home: [REDACTED]

Employment or business

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

* Councillor, Wiltshire Council

Membership of other bodies

Westbury Heritage Society

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

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

Royal Institution of Chartered Surveyors

Wessex Group of Independents

Positions of general control or management in other bodies

Westbury Town Council

Wiltshire Council

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

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

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

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

Westbury Heritage Society (*as town council rep*)

Westbury CCTV Committee (*as town council rep*)

Westbury CCTV Committee (*as Wiltshire Council rep*)

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

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

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

Russell Hawker

Westbury & Wiltshire Councillor (INDEPENDENT)

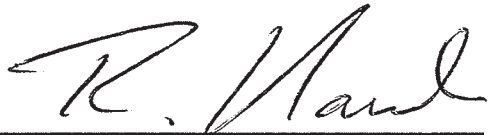
40

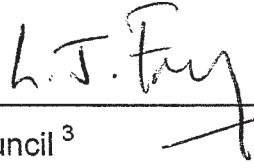
A5 ✓

DECLARATION OF ACCEPTANCE OF OFFICE

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

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

Signed: 
Date: 14/5/07

This declaration was made and signed before me,
Signed: 
Proper Officer of the Council³

Notes:

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

41

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

A6

Dear Roger

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

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

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

Hope this helps.

Kind regards

Barbara Mantle
 Westbury Town Council
 01373 822232

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

Dear Barbara,

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

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

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

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

42

A7

WESTBURY TOWN COUNCIL

The Laverton Institute Trust Management Committee

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

AGENDA

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

43

WESTBURY TOWN COUNCIL

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

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

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

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

6.30 pm

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A 8

WESTBURY TOWN COUNCIL

The Laverton Institute Trust Management Committee

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

A G E N D A

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

45

WESTBURY TOWN COUNCIL

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

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

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

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

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

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

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

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

5.15pm

Appeals Tribunal Decision

Case Ref:	APE 0421
Appeals Tribunal Date:	29 April 2009
Relevant Standards Committee:	Middlesbrough Council
Date of Standards Committee decision:	22 January 2009
Name of member concerned: <i>(Appellant)</i>	Councillor McTigue
Monitoring Officer:	Mr Richard Long
Independent Investigator:	Mrs Katharine Metcalfe
<u>Appeals Tribunal Members</u>	
Chairwoman:	Mrs Beverley Primhak
Member:	Mr Richard Enderby
Member:	Mr Chris Perrett

Official capacity

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

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

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

CASE NO: LGS/2011/0537

ON APPLICATION FROM:

Ethical Standards Officer (ESO) of Standards for England

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

APPLICANT: Jennifer Rogers, ESO, Standards for England

RESPONDENT: Councillor Martin Brookes of Oakham Town Council

DATE OF HEARING: 15 August & 30 September 2011

Venue: Birmingham Tribunal Centre and Leicester Law Courts

Date of Decision: 16 November 2011

BEFORE:

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

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

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

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

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

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

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

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

Failure to treat with respect

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

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

You must not bully any person including other councillors, council officers or members of the public. Bullying may be characterised as offensive, intimidating, malicious, insulting or humiliating behaviour. Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health. This can be contrasted with the legitimate challenges which a member can make in challenging policy or scrutinising performance. An example of this would be debates in the chamber about policy, or asking officers to explain the rationale for the professional opinions they have put forward. You are entitled to challenge fellow councillors and officers as to why they hold their views.

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

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

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

Q24: What constitutes evidence of bullying?

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

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

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

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

European Convention on Human Rights

ARTICLE 10

Freedom of expression

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

Appeals Tribunal Decision

Case Ref: APE 0441

Date of Appeal Tribunal Hearing: 10 September 2009

Relevant Standards Committee: Pendle Borough Council

Date of Standards Committee Decision: 19 May 2009

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

Monitoring Officer: Philip Mousdale

Appeals Tribunal Members:

Chairman:	Patrick Mulvenna
Member	Darryl Stephenson
Member	David Ritchie

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

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

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

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

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

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

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

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

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

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

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

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

Patrick Mulvenna

Chairman of the Appeals Tribunal

14 September 2009

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Final Decision

CASE REF: APE 0427

HEARING DATE: 21 July 2009

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

RESPONDENT: Councillor Ian Mason

RELEVANT AUTHORITY CONCERNED: Needham Market Town Council

ESO: (*Ethical Standards Officer*) Jennifer Rogers

ESO's REPRESENTATIVES: Gylan Murphy

Case Tribunal Members:

Chairman Mr Nicholas Holden

Member: Mr Peter Dawson

Member: Mr Narendra Makanji

1. Preliminary Documents

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

2. The Respondent's official details

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

3. The Allegation

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

4. The Respondent's Case

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

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

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

5. Tribunal's findings and reasoning

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

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

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

Freedom of Expression

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

6. Sanction

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

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

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

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

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

Nicholas Holden
Chairman of the Case Tribunal
24 July 2009

Code of Conduct case reference – WC 03/12

Statement of – Mr Ian Taylor

Complainant/Subject Member/Witness – Complainant

Date of interview – 4th April 2012

Time of interview – 11.00am

Place of interview – Mr Taylor’s home address

Also present – Mrs S Taylor

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

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

Signature -



Dated -

17/04/2012

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

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

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

Signature -



Dated - 17/04/2012

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

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

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

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

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

Signature



Dated - 17/04/2012

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

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

Signature



Dated - 17/04/2012

Code of Conduct case reference – WC 03/12

Statement of – Councillor Stephen Andrews

Complainant/Subject Member/Witness – Witness

Date of interview – 16th April 2012

Time of interview – 10.00am

Place of interview – Councillor Andrews' home address

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

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

Signature - 

Dated – 19 April 2012

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

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

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

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

Signature - 

Dated - 19 Apr 2012

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

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

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

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

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

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

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

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

Signature -



Dated - 19 Apr 2012

He commissioned the Project Plan;

He ended the snookers clubs tenancy, which allowed part of the building to be converted to offices;

He put The Laverton on a better financial footing by reducing the staffing, cutting overheads, increasing the income, and reducing the losses.

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

Signature -



Dated - 19 April 2012

Code of Conduct case reference – WC 03/12

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

Complainant/Subject Member/Witness – Witness


Date of interview – 23rd April 2012

Time of interview – 2.50pm

Place of interview – Westbury Town Council Offices

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

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

Signature -  **Dated –** 30/4/2012

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

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

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

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

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

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

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

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

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

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

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

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

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

Signature - 

Dated - 30/4/2012

C4

Code of Conduct case reference – WC 03/12

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

Complainant/Subject Member/Witness – Witness

Date of interview – 23rd April 2012

Time of interview – 2.30pm

Place of interview – Westbury Town Council Offices

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

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

Signature -

Dated –

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

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

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

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

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

Signature -

Dated –

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

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

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

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

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

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

Signature -

Dated –

Code of Conduct case reference – WC 03/12

Statement of – Councillor David Windess

Complainant/Subject Member/Witness – Witness

Date of interview – 15th May 2012

Time of interview – 4.30pm

Place of interview – Councillor Windess home address

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

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

Signature -

Dated –

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

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

Signature -

Dated -

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

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

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

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

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

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

Signature -

Dated -

C6

Code of Conduct case reference – WC 03/12

Statement of – Mr Kerry Eatwell

Complainant/Subject Member/Witness – Witness

Date of interview – 20th April 2012

Time of interview – 11.00am

Place of interview – Telephone

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

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

Signature - 


Dated – 20-4-12

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

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

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

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

Signature - 

Dated –

26-4-12

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C7

Full Statement in response to Interview Questions

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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



22/6/12

C8

Code of Conduct case reference – WC 03/12

Interview record of – Councillor Russell Hawker

Complainant/Subject Member/Witness – Subject Member

Date of interview – 17th May 2012

Time of interview – 10.10am

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

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


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

Signature - **Dated –**

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

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

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

Signature -  **Dated -** 22/6/12

90

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

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

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

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

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

Signature -



Dated -

22/6/12

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

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

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

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

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

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

Signature-



Dated -

22/6/12

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

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

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

Signature -



Dated -

22/6/12

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

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

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

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

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

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

Signature-



Dated -

22/6/12

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

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

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

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

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

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

Signature -



Dated -

22/6/12

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

Mike Hawkins (a former Mayor)

Charlie Finbow (a former Mayor)

Councillor David Windess

Councillor Susan Ezra

Signature -



Dated – 22/6/12.

Wiltshire, Roger

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

Dear Roger

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

Regards

Keith Harvey
 Town Clerk
 Westbury Town Council

01373 822232

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

Dear Keith,

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

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

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

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

Attached

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

Will forward separately.

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

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

Friday 21st October 2011

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

Official, as per invite and mailing list.

Who funded the event?

Westbury Town Council

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

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

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

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

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

Printed as per attached and posted.

What did the invitations say?

See above.

In what capacity was Councillor Hawker invited?

Chairman of The Laverton Institute Trust Management Committee

In which format was he invited?

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

What was the wording of Councillor Hawkers invitation?

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

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

Chairman of The Laverton Instutute Management Committee

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

Chairman of The Laverton Institute Management Committee.

Did you attend the event?

Yes I attended the event

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

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

Yours sincerely,

Roger Wiltshire

Ethical Governance Officer

Governance

Wiltshire Council, County Hall, Trowbridge,

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

roger.wiltshire@wiltshire.gov.uk

01225 713462

Web: www.wiltshire.gov.uk

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WESTBURY TOWN COUNCIL

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

D2

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

1. **Apologies.** Cllr SMiles - unwell.
Cllr Mrs S Ezra - personal.
Cllr R Hawker - personal
2. **Notes of the meeting held on 21.02.2010.** Agreed.
3. **Matters Arising:**

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

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

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

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

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

5. **To consider bringing forward the recruitment process for the Laverton Development and Marketing Officer one month earlier than previously agreed (ie to advertise in May, and appoint in July).** It was agreed to recommend to Town Council to bring forward the recruitment process for this post by one month.
6. **To consider a date for holding an 'Open Day/Weekend' to relaunch the refurbished Laverton.** The August Bank Holiday was provisionally agreed. To involve John Parker (Project Officer) for further ideas.
7. **To recommend to Town Council that the Laverton Institute Trust pays £3,144.00 to Wiltshire Environmental Trust to enable the Trust to obtain a grant for £25,354.00 from the LandfiU Community Fund (LCF).** C U Stephen Andrews to report.
Agreed.

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ADVERTISING USEFUL NUMBERS ABOUT THE PAPER CONTACT US

D3

Issue 499 – Launch of refurbished Laverton building

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

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

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

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

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

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

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

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

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0

99

ADVERTISING USEFUL NUMBERS ABOUT THE PAPER CONTACT US

D4

Issue 498 – Grand opening for refurbished Laverton building

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

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

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

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

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

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

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

For further information please contact:

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

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100

The Laverton PROJECT



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

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

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

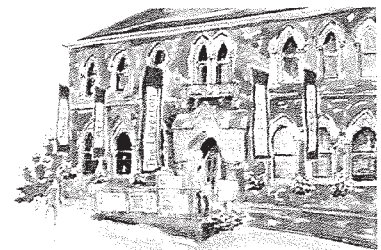
Displays • Presentations • Tours • Music • Refreshments

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

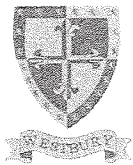


Wiltshire Council

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



The Laverton PROJECT



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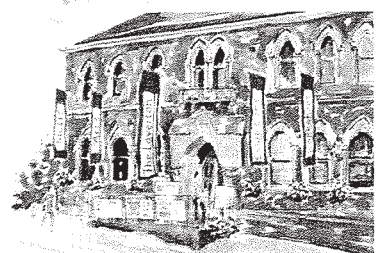
Displays • Presentations • Tours • Music • Refreshments

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



Wiltshire Council

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



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

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D6

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

Dear Mr Wiltshire

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

My answers are as follows:

- 1 Who suggested holding the re-launch? I believe this was a joint suggestion from John Parker (Project Officer) and myself. The idea being to thank all those people who had been involved with the Project and provide publicity for the Laverton.
- 2 Who agreed and when was it agreed to hold the re-launch? The re-launch was agreed at a meeting of the Laverton Institute Trust Management Committee held on 26th April 2011. I have attached a scanned copy of the relevant Notes of that meeting. The relevant part is Paragraph 6. You will notice that it was suggested, initially, to hold the re-launch on August Bank Holiday weekend but this date slipped, firstly into September and then into October, as the refurbishment slipped behind schedule. It was also agreed at that meeting to involve John Parker with the re-launch. Not surprising since he was our Consultant. You will also notice that the Mayor, Councillor Windess, was present at the meeting and so was aware that a re-launch was going to be planned. However Councillor Hawker did not attend the meeting and so may have missed the fact that the re-launch event had been agreed.
- 3 Who organised the re-launch? The initial planning and organising was done by John Parker with oversight by me. As we got closer to the date other people became involved such as Keith Harvey, the Town Clerk, although he was more concerned with the re-furbishment work, Barbara Mantle, Gill Bright and others. I have a number of e-mails from John to many other people involved including consultations with Sally Hendry, Westbury Area Board Manager, and members of the funding organisations and the Press.
- 4 Who funded the re-launch? The re-launch was an official Westbury Town Council event and as such was funded by the Town Council. More specifically, as I understand it, the money came from the Laverton Publicity Budget as this was considered to be an event that would also showcase the Laverton.

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

Yours sincerely

Stephen Andrews
Councillor
Westbury Town Council

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

Dear Councillor Andrews,

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

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

Wiltshire, Roger

D8

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

Dear Mr Wiltshire

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

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

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

In any event:

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

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

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

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

Yours sincerely

Russell Hawker

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E1

Westbury Town Forums

 simplemachines forum

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Forever

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 ChatterBox

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March 29, 2012, 11:08:30 AM

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

[« previous](#) [next »](#)

Pages: [1]

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 Author

0 Members and 1 Guest are viewing this topic.

 Debs

Hero Member



Posts: 8565

Hugs: 68

Gender: 

Love life and life will love you back <3



 the laverton grand reopening

« on: October 12, 2011, 17:17:19 PM »

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

Quote

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

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be provided.

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

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

For further information please contact:

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

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

Logged

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

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

AI

Hero Member



Posts: 3523

Hugs: 52

Gender:

All your bases are belong to us.



Re: the laverton grand reopening

« Reply #1 on: October

22, 2011, 08:13:43 AM »

<http://www.thisiswiltshire.co.uk/news/headlines/9319>

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

Logged

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

Mike Hawkins

Hero Member



Posts: 1259

Hugs: 32



Re: the laverton grand reopening

« Reply #2 on: October

22, 2011, 16:30:50 PM »

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

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Logged

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

baldy

Hero Member



Posts: 2545

Hugs: 79

Gender:

You can call me Clint



Re: the laverton grand reopening

« **Reply #3 on:** October

22, 2011, 18:04:35 PM »

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

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

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

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

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

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Mike Hawkins

Hero Member



Posts: 1259

Hugs: 32



Re: the laverton grand reopening

« **Reply #4 on:** October

22, 2011, 18:43:20 PM »

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

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

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

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

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

Thanks for this Russell, and I stand corrected!

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

Which opponents had the brass neck to attend?

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

 Logged

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

 **baldy**

Hero Member



Posts: 2545

Hugs: 79

Gender: 

You can call me Clint



 **Re: the laverton grand reopening**

« Reply #5 on: October

22, 2011, 18:48:46 PM »

Hi Mike

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

It would have been nice to see you there.

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

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

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

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


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

She will be working with the community and

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

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

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

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charlie finbow

Hero Member



Posts: 565

Hugs: 42



Re: the laverton grand reopening

« Reply #6 on: October

22, 2011, 18:49:11 PM »

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

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

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

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

 Logged

baldy

Hero Member



Posts: 2545

Hugs: 79



Re: the laverton grand reopening

« Reply #7 on: October

22, 2011, 18:53:18 PM »

Charlie

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

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Gender: 

You can call me Clint



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

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

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

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 **charlie finbow**

Hero Member



Posts: 565

Hugs: 42



Re: the laverton grand reopening

« Reply #8 on: October

22, 2011, 19:06:34 PM »

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

 Logged

 **baldy**

Hero Member



Posts: 2545

Hugs: 79

Gender: 

You can call me Clint



Re: the laverton grand reopening

« Reply #9 on: October

22, 2011, 19:10:36 PM »

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

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

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

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LITMC.


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

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

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

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

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

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

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baldy

Hero Member



Posts: 2545

Hugs: 79

Gender: 

You can call me Clint




Re: the laverton grand reopening

« Reply #10 on: October

22, 2011, 19:15:35 PM »

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

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



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 **charlie finbow**

Hero Member



Posts: 565

Hugs: 42




Re: the laverton grand reopening

« Reply #11 on: October

22, 2011, 19:34:44 PM »

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

 Logged

 **baldy**

Hero Member



Posts: 2545

Hugs: 79

Gender: 

You can call me Clint



Re: the laverton grand reopening

« Reply #12 on: October

22, 2011, 19:41:58 PM »

Charlie

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

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

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 **charlie finbow**

Hero Member



Posts: 565



Hugs: 42




Re: the laverton grand reopening

« Reply #13 on: October

22, 2011, 19:50:26 PM »

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

 Logged

 **baldy**

Hero Member



112



Posts: 2545

Hugs: 79

Gender: ♂

You can call me Clint




Re: the laverton grand reopening

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

The full answer is in my last but two post.

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

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

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F1

1st November 2011

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

Yours faithfully

Town Clerk

Public Forum

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

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

A G E N D A

Prayers

TWO MINUTES SILENCE

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

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

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

To approve the Annual Return submission to the external auditors.

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

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

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

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

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

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

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

This motion notes that:

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

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

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

03.10.2011	-	£80,171.45
07.11.2011	-	As presented

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

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

WESTBURY TOWN COUNCIL

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

PRESENT: Cllr D Windess (Chairman)

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

Five members of the public

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

T.2555

PUBLIC FORM:

Mr I Taylor:

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

Dr P Biggs:

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

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

Mr J Clegg:

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

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

T.2556

ACCEPTANCE OF APOLOGIES AND REASONS FOR ABSENCE:

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

Contd.....

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

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

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

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

T.2561

WILTSHIRE COUNCILLORS' REPORTS.

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

T.2562

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

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

Contd.....

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T.2565

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

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

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

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

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

The amendment was approved.

Cllr Andrews then moved:

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

Cllr Hawker voted against the first part of the motion.

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

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

The motion was approved.

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

Approved.

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

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

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

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

T.2570 CLERK'S CORRESPONDENCE/MATTERS:

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

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

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

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

WTC Meeting Nov. 2011

Mr Mayor, councillors.

F3

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

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

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

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

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

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

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

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

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

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

I truly do not understand why he attacks me.

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

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

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

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

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

Thanks for your time and good evening.

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The HLF and BLF bids

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

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

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

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

Introduction, paragraph 5

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

3.3 Proposed Refurbishment Project

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Professional Fees and contingencies £ 19,000

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

Chairmanship, LITMC June 2007 – March 2009

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

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

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

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

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

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

Throughout 2008 the LITMC focussed on:

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

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

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

LITMC Chair report to WTC 29th June 2007

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

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

Nothing further to report

9th June 2007 Email to me from Russell

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

Attachment 2

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STRICTLY CONFIDENTIAL

29th June 2007

To Messrs

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

cc Les Fry, Town Clerk and RFO, WTC

Laverton Institute

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

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

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

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

Yours faithfully

Ian Taylor
Member, Westbury Town Council and Chair, LITMC

Attachment 3

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Emails from Russell to everyone

25th September

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

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

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

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

8th October

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

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

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

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

Attachment 4 page 1 of 2

Later on 8th October

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

13th October

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

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

Report to Westbury Town Council concerning the Laverton Hall
November 2007

Introduction

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

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

Decision needed now

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

Long-term options

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

Issues

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

Potential opportunity

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

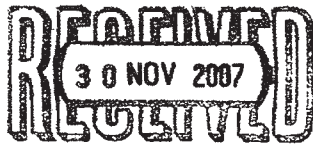
APPENDICES

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

Strictly Private & Confidential

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

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



Dear Les

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

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

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

Termination

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

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

Stone King LLP

13 Queen Square
Bath
BA1 2HJ
T: 01225 337599
F: 01225 335437
DX 8001 Bath

Also at:

28 Ely Place
London
EC1N 6TD
T: 020 7796 1007
F: 020 7796 1017

Wellington House
East Road
Cambridge
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Laverton Report July 2008

Heritage Lottery Fund bid

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

Question & Answer Session 29th May

See Report attached

Snooker Club – planning application for change of use

An application for listed building consent has been submitted to WWDC

Hirings update

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

'Wind & Waterproof' evaluation and cost estimate

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

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

Target

Trustee

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

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

LITMC

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

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

Process

Outline agreement between RFO and IT

Agreement, sign-off by LITMC

Agreement by WTC

Set up financials

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

Adopt new structure

Laverton Report November 2008

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

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

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

Following the granting of planning permission, the Committee recommends the Snooker Club's lease be terminated and the proposed work be undertaken as soon as possible. The space currently occupied by the Council is inadequate for its purpose and some portion of the increased capacity will be occupied as soon as it is available; the remainder will be put to either Council or community hire use. It should be noted that the additional cost in Council rent proposed in the 2009/10 budget for this extra capacity is fully off-set by an equivalent reduction in the Council Grant requested, compared to previous years. The Committee ask the Council to approve this recommendation.

c) Laverton Budget

In 2007/8 the Laverton cost £61,000, over-spending an approved budget of £52,000. Hall Hiring income and Snooker Club rent raised about £10,000. The remaining £51,000 was supplied by the WWDC (£10k) and Westbury Council.

Also in 2007/8 the Council agreed to make redundant the two staff members who managed the Hall. It also agreed in principle to termination of the Snooker Club lease and approved the un-supervised use of the Hall by suitable Hirers. These actions are having a profound effect on the Hall's current and future finances.

This year, 2008/9, the budget is £38,275, a reduction of almost £14,000 from last year's budget. Given £25,000 from the Council and over £5,000 from WWDC, together with Hall Hirings to date, including the Public Enquiry, and committed bookings to March 2009, we expect to stay within this planned expenditure. This year has been exceptionally costly. Utility costs have rocketed, and provision for legal costs and repair and maintenance account for almost half the total budget; both these items are reduced to more normal levels in the proposed 2009/10 budget.

Our proposed 2009/10 expenditure is just under £31,000, a reduction from this year of more than £7,000 and half the spend in 2007/8. Given our projected income from this year's Hall Hirings, a target for 2009/10 of £6,000 seems achievable. We propose the remaining £25,000 costs are met by the Council but that, rather than paying £10,000 in rent, utilities, cleaning and use of this Hall and a Grant of £15,000, the distribution should be in the form of £20,000 for the entire ground floor plus a Grant of £5,000. Note that prior to this year the Laverton has cost WWDC and the Council an average of £42,000 per annum since we took on the Trusteeship.

This new funding arrangement is intended to achieve a sound basis for the Laverton's finances in the future. The cost to the Council is in my view the minimum that is prudent whilst yielding the best value possible. It provides the opportunity for the Trust to increase Hall Hirings and thereby to reduce, then eliminate the need for a Grant. If in future the Council decides to invest in the development of the Hall, say by the installation of a lift or by pursuing the possibilities outlined in John Parker's report then so be it. Nothing that the Council is being asked to commit to tonight prevents these options, nor does it require their undertaking. I commend the proposed budget to the Council.

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LETTERS TO THE EDITOR

Congratulations on 500 editions!

Dear Sir,
 Many congratulations to you all on the 500th edition, and many thanks for your service to the people of the town over the years. On many occasions I have had the pleasure of meeting Ian and Sue, and

the reporters/photographers who have covered town events, and had to speak to your office staff. It was always a pleasure.

I look forward to reading the next 500 editions! Mike Hawkins (former Mayor and Councillor)

Future of the Laverton Committee

Dear Sir,
 At the last Town council meeting, Russell Hawker (I am more qualified to handle the project than everyone else in the council put together, 8/8/07) proposed the Laverton Committee be made a standing committee of the full council. He didn't really put his heart into it. His two closest supporters were absent, a circumstance he probably didn't anticipate when he put the item on the agenda. The motion was defeated, but watch this space; he'll be back.

If Russell gets his way he will, as chair of The Laverton, become a member of the Council management committee (conveniently present at the mayor, deputy mayor and chairs of the General Pur-

FROM THE

NEWS FROM WESTMINSTER

By Dr Andrew Murrison MP

I ATTENDED the two minutes' silence on Armistice Day in Westbury, a remembrance service at Imber on Saturday and Remembrance Sunday services in Trowbridge and Warmminster.

It seems to me that every year the number of people turning out to pay their respects increases and I am heartened by it. My fear is that when, as we very much hope it will, the tempo of operations reduces in the years ahead and we no longer see nightly on our TV screens accounts of our men and women in action, we will neglect to honour people in the way that we have rediscovered since 2003.

Elizabeth I's great statesman William Cecil observed that soldiers in

peace are like chimneys in summer. I'm not sure if he was being cynical or truthful but the truth is that warriors and the obligation we owe them tend to be forgotten when the shooting stops.

James Murdoch had another light toasting at the hands of the Commons media select committee. The Labour MP Tom Wat-

821

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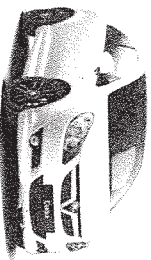
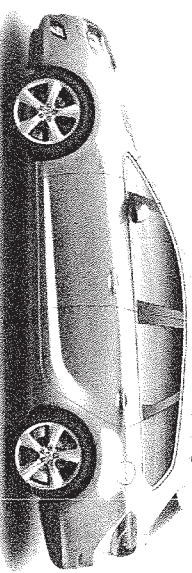
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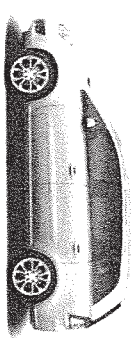
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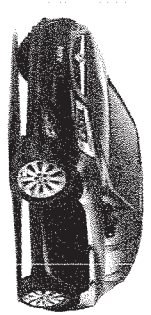
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2011 (11) Zafira Energy 1.6i 16v 5dr



2010 (10) Astra Exclusiv 1.4 5dr

Church House
Church Lane
Westbury Leigh
Wiltshire
BA13 3TR
01373 822659

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The Editor
White Horse News

12th November 2011

Dear Sir,

At the last Town Council meeting, Russell Hawker (*I am more qualified to handle the project than everyone else in the council put together. 8/8/07*) proposed the Laverton Committee be made a standing committee of the full Council. He didn't really put his heart into it. His two closest supporters were absent; a circumstance he probably didn't anticipate when he put the item on the agenda. The motion was defeated, but watch this space; he'll be back.

If Russell gets his way he will, as chair of The Laverton become a member of the Council management committee (comprised at present of the mayor, deputy mayor and chairs of the General Purposes and Highways, Planning and Development committees) notwithstanding running The Laverton is not a function of Local Government.

Why should Russell want to join this group? Well, the Council management committee may make binding council decisions without prior approval of the full Council (see Standing Orders) and being part of this committee would embed the Trust and therefore Our Great Chairman as key features of our Town Council hereafter.

It's easy to see why this would be good for Russell. It's more difficult to see why it would be good for the rest of us. Interesting, don't you think?

Ian Taylor

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Conduct of new Laverton chairman comes under fire

THE new chair of the Laverton Institute Trust Management Committee, Russell Hawker, has come under fire for his criticism of the performance of a past committee chair.

At the meeting of Westbury Town Council on Monday 7th November, Ian Taylor, a former chair of the Laverton Institute Trust Management Committee, spoke to rebut the statements Russell Hawker made during the re-opening of the hall.

Ian Taylor was chair from June 2007 until he resigned due to ill health in March 2009.

Ian Taylor told the town council, "Obviously, I

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

"I truly do not understand why he attacks me. It's quite evident that, at the very least I've done the Laverton no harm.

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

Ian Taylor presented the town council with a dossier of his recollection of the Heritage Lottery Fund and Big Lottery Fund Community Buildings Programme bids in 2006 and 2007.

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Russell Hawker replies...

Dear Sir

John Clegg's latest political comments, as quoted in your article headed "Former mayor tells councillors to put their house in order" (p.11 24/11/11), deserve a full response because they are largely untrue and/or misleading.

John describes the statement (p.28 15/9/11) issued by the town council in response to misleading comments made by him and other Conservatives in the local press as an "attack" yet it was simply the council's factual defence against their unjustified and untrue attacks in the first place. He should know that winning a vote by a narrow majority - or when large numbers of councillors abstain from voting on a purely political matter such as this - is nothing new or unusual.

John claims that the statement was also an attack on Wiltshire Council and might alienate the town council from the county council. There is no "county council". Wiltshire Council is a new unitary council. Also, the Conservative cabinet at County Hall is doing a fine job of alienating the town council with their high-handed approach to imposing higher town centre car parking charges, refusing to allow the town council to subsidise more than a small number of spaces and ignoring the comments of nearly every town council and all the businesses in the county who responded to the lengthy so-called consultation last year. The reality is that all three of Westbury's Wiltshire Councillors are not Conservative and work with unitary council officers directly or through the area board system to try to resolve issues.

John claims that the statement "criticises two of its own members for moving out of Westbury for business reasons". Actually, it did not. It criticised the local Conservative party for the fact that their councillors keep leaving the town council and causing by-elections and because the two recently-elected Conservative councillors have already left the town to "live" in Warminster.

John claims that he knows that the issues that led to Cllr Stephen Andrews being replaced as chairman of the Laverton committee recently did not take place just before the re-opening ceremony. But the key issues did occur in the weeks leading up to the re-opening event. The reality is that Stephen was asked to withdraw his false claims about other councillors at the first meeting of the Laverton committee after he made them. Unfortunately, he then failed to withdraw his false claims by the time of the next committee meeting and by then the re-opening event was only 2 weeks away. Stephen

brought what happened onto himself by making his position untenable to those who had elected him to his position as chairman of a committee and who were also entitled to remove him at any time.

John Clegg suggests that Stephen Andrews had earned the right "to be the one conducting the opening ceremony and be in the smiling group photograph" as if someone had been "spiteful" and improperly stopped Stephen from exercising his due rights. The truth is that the Mayor was always going to be the one rightfully conducting the ceremony and Stephen resigned off the committee and stayed away from the re-opening event.

Perhaps the most bizarre aspect of John's claims was his mention of his judicial tribunal hearing in 2006 when he was formally found to be in breach of the councillor's code of conduct. It is important to appreciate that John himself has raised this subject and claims that "there was a technical breach and the chairman [of the tribunal panel] stated that on two occasions [he] had voted against [his] own interests", as if he barely did anything wrong at all. The really relevant facts are that John was found to be in breach on more than ten occasions for failing to declare a variety of prejudicial interests. This is still a record in Wiltshire.

Dear Sir

Ian Taylor's recent political outbursts, as contained in his letter (24/11/11) and the article headed "Conduct of new Laverton chairman comes under fire" (p.11 24/11/11), deserve a response because they are entirely untrue and/or juvenile nonsense. It is important to appreciate that Ian's claims, as an ex-town councillor and ex-chair of the Laverton committee, are simply his angry response to my comments at the recent Laverton re-opening event.

I entirely stand by what I said because it is all absolutely true and deserved to be said in the interest of setting the record straight, particularly given that the Conservative party keeps misleadingly claiming credit for any success during council elections without mentioning that two of their own councillors (at the time) also caused much of the problems.

Ian mentions that he was chair from June 2007 to March 2009. Just as relevant though, is the fact that he was co-opted to the committee in September 2006 - ie. before he became a town councillor in May 2007 - specifically because he had claimed to be the right person to apply for and obtain grants for the project. As a long-standing general practice commercial property chartered surveyor with a string of relevant graduate and post-graduate

professional qualifications and experience and who had spent much of the previous year researching grants and writing the new business plan that was unanimously adopted by the council in September 2006, I formally objected to his involvement at the time on the basis that he was simply not qualified or experienced in any properly recognisable way to handle the complexities of the project and he would take far too long to absorb the necessary details, if ever.

My concerns about Ian's claimed ability were proven correct when he bungled the application to the Heritage Lottery Fund (by ignoring the need to stress the full heritage aspects of the building and our intended project - as written in the business plan - and as previously set out when I had written to HLF and they had responded positively) and then bungled his Big Lottery Fund application as well after wasting two years.

The Big Lottery Fund actually wrote back saying that the forms were incorrectly filled in and that the project would not qualify anyway as the project was not providing a new building or community centre. The outcome of Ian's involvement in the project could not have been worse, not least because when he resigned as chairman and councillor he had effectively closed the hall for public hire and the funding available from the HLF was by then much less and more difficult to obtain.

In his letter, he talks about a recent town council decision not to convert the Laverton Committee into a "standing committee" of the council as if this was my idea and grand plan for my political career. This is complete nonsense; the change would have been irrelevant to me personally. When Stephen Andrews resigned as chair and off the committee he had already put down the proposal as an item for discussion by the committee. The committee then unanimously agreed to put the idea to the full council meeting, but by then pure politics led to a change of heart by several councillors who had previously supported the idea.

Ian talks pure nonsense about a "Management Committee" that he thinks I would want to join if I had become chair of a standing committee. But there is no such "committee" and it is not mentioned in the council's standing orders. It exists as a "Management Team" of several councillors who simply work with the clerk and Mayor on the efficient internal working of the council offices. It has no power beyond those already held by the clerk. Actually, I regard it as irrelevant when we have a strong and capable clerk.

Russell Hawker,
Westbury Town Councillor

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From: STEPHEN ANDREWS
To: Wiltshire, Roger
Subject: Private and Confidential
Date: 29 June 2012 11:27:54

Dear Roger

Many apologies for not responding to your e-mail sooner but I have been on holiday.

You asked who would have put the item on the agenda for the LITMC at the meeting of the 17th October 2011. I can assure you it was not me. I made it perfectly plain at the subsequent Town Council meeting, on 7th November 2011, that conversion to a Full Committee was not a correct decision because the Town Council is actually the Committee. The LITMC (rather miss-named) is only a working group.

I have discussed this with Barbara Mantle (Keith Harvey is on leave) and she is sure that it was Councillor Hawker who asked for the item to be included. It is possible that Keith has an e-mail to that effect. Councillor Hawker certainly would not have asked me to put the item on as I would have said no so he would have gone direct to the Town officials.

I am forwarding the e-mail below which shows Councillor Hawkers feelings on the matter in that the Council have "failed to convert the working group into a full committee" ignoring the fact that only one Councillor, himself, actually voted for it, even his seconder voted against. I am still at a loss to understand how he got the recommendation through the LITMC.

Yours faithfully

Stephen Andrews

----- Forwarded Message -----

[Redacted content]

Sent: Wednesday, 8 February 2012, 12:19
Subject: RE: LAVERTON INSTITUTE TRUST MANAGEMENT COMMITTEE (LITMC)

Dear All

As far as I am concerned all meetings of LITMC will normally be at 7pm from now on.

Sioux and John Parker work flexitime and can quite easily cope with and plan ahead for "occasional" evening meetings. The same applies to Keith Harvey or Barbara.

To all intents and purposes (especially in terms of its actually activities and responsibilities) LITMC is behaving entirely as a full standing committee of the council in every sense except the fact that the council has so far failed to convert the "working group" into a proper committee.

The reality is that no other town council would pretend that a committee like LITMC is technically a "working group" (meaning no public attendance or minutes) and the council promised to convert LITMC into a committee after the main refurbishment was undertaken when the issue was at its most political back in about 2003 - 6 before most current councillors were first elected.

It will be good practice to continue behaving as a committee, which means 7pm meetings.

As far as I can tell, 7pm always results in more members actually being able to attend not least because members / co-optees who work during the day often cannot attend earlier (especially if they

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need to travel far and eat first).

If you have strong objections or difficulties to this intention of holding future LITMC meetings at 7pm, please just reply to me and Barbara.

Whilst writing, I confirm that Derek Whale, Ian Merry and Steve Hobbs are co-opted members of LITMC (this was approved at the last meeting of LITMC).

Regards
Russell

Russell Hawker
Chairman - LITMC

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From: Barbara Mantle [barbara.mantle@westburytowncouncil.co.uk]
Sent: 19 June 2012 09:55
To: Wiltshire, Roger
Cc: 'Keith Harvey'
Subject: RE: Private and Confidential
Attachments: 17.10.2011.docx; 17.10.11a.doc

Hi Roger

I have passed your e-mail to Keith Harvey, who attended the October meeting, and is also back from leave tomorrow. I have also attached both the agenda and minutes for that meeting. Unfortunately, neither mentions who proposed making the Laverton Institute Trust Management Committee (LITMC) a standing committee of the Town Council. It has always been my impression that this idea came from Cllr Hawker, and that he asked for this matter to be placed on the LITMC agenda, but Keith should be able to confirm this one way or the other.

Kind regards

Barbara
Westbury Town Council
01373 822232

From: Wiltshire, Roger [mailto:Roger.Wiltshire@wiltshire.gov.uk]
Sent: 18 June 2012 17:19
To: Barbara Mantle
Subject: Private and Confidential

Dear Barbara,

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

I am sorry to bother you with another request for information, but a point has come up that I need to clear. I think it can be cleared quickly and easily but I need either/or the agenda or minutes of the LITMC meeting held just before the Laverton relaunch event, probably the meeting where Councillor Andrews resigned as Chair.

The query is regarding – who raised the motion of changing the LITMC from a working group to a committee. The first suggestion was that the idea came from and was proposed by Councillor Hawker. However, Councillor Hawker believes the item was on the LITMC agenda for the meeting where Councillor Andrews resigned.

My thanks, as always, for any help you can give.

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

Web: www.wiltshire.gov.uk

Follow Wiltshire Council



Wiltshire, Roger

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From: Keith Harvey [keith.harvey@westburytowncouncil.co.uk]
Sent: 20 July 2012 12:00
To: Wiltshire, Roger
Subject: RE: Private and confidential

Roger

I have spoken to Barbara and although she can find no written evidence we can only assume Cllr. Hawker asked for this to go on the agenda.

Cllr Andrews certainly did not ask for it to go on the agenda.

It was then placed on the next LITMC meeting by Cllr Hawker because he was very keen that the LITMC should become a committee.

It was decided that a recommendation go to Full Town Council that the LITMC become a full committee.

At Full Town Council this was rejected by members.

Regards

Keith Harvey
Town Clerk
Westbury Town Council

01373 822232

From: Wiltshire, Roger [mailto:Roger.Wiltshire@wiltshire.gov.uk]
Sent: 13 July 2012 09:38
To: Keith Harvey
Subject: RE: Private and confidential

Many thanks,
Roger.

From: Keith Harvey [mailto:keith.harvey@westburytowncouncil.co.uk]
Sent: 13 July 2012 09:36
To: Wiltshire, Roger
Subject: RE: Private and confidential

Roger

Apologies for delay in replying but I returned from holiday on Monday and Barbara is away this week and returns next Monday.

I have checked and she prepared the agenda and distributed in my absence as my Father passed away a few days earlier.

Regards

Keith

Keith Harvey
Town Clerk
Westbury Town Council

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Wiltshire, Roger

From: Keith Harvey [keith.harvey@westburytowncouncil.co.uk]
Sent: 29 March 2012 16:32
To: Wiltshire, Roger
Subject: FW: Westbury Town Council

H1

Dear Roger

Please find below e-mail as requested.

Regards

Keith Harvey
Town Clerk
Westbury Town Council

01373 822232

From: Russell Hawker [mailto:████████████████████]
Sent: 24 November 2011 09:22
To: Keith Harvey
Cc: Barbara mantle
Subject: Standing Orders and Pile of papers from Ian Taylor

Dear Keith

Can you please make available to me a copy of the latest (ie. current) Standing Orders (ie. with all amendments included) ASAP, both hard copy and by email.

I also want a full copy of the papers Ian Taylor says he has deposited with the council relating to The Laverton.

I will be coming into the office about 3pm today, so I would be grateful if the papers could be made available by then for me to see for myself, please. I am happy to copy them myself. In any event, I will want to ensure that any copy I take home is exactly the same as those Ian has given to the council.

There are some serious issues arising from the pack of lies that Ian Taylor has recently stated, not least his claim that what I have said is untrue. The fact of this matter is that Ian Taylor is a bare-faced liar and deceived the council throughout his involvement in The Laverton project, starting with when he joined the working group in Autumn 2006 as a non-councillor claiming to have the ability and expertise to understand the project and apply for grants. His first action was to trash the business plan I had written and which the council had adopted based on a string of lies and his own muddles and nonsense. He then made a series of deceptive manoeuvres (including correspondence with Heritage Lottery Fund based on his own wrong and wholly unhelpful description of the proposed refurb project - bearing in mind the need to emphasise the real "heritage" of the building, which is something Ian never appreciated properly) and statements designed to confuse everyone about what was going wrong with his strategy and I was the only one objecting to what he was doing and pointing out that everything he was doing was actually wrong. I have been proved right.

The reason I am raising this matter is because the Conservatives keep claiming that the Laverton project has been successful because of one of their members - ie. Stephen Andrews. These claims keep arising at election time. The claim is totally misleading as the project was set up before Stephen was involved and the real strategic leadership lately has come from John Parker. More importantly, it was the Conservative Ian Taylor - brought in by Conservatives - who systematically ruined the refurb project such that it had to be started again with the consequence of a long delay of several years.

Regards
Russell

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I 1

From: [Russell Hawker](#)
To: ["Kerry.Eatwell"](#)
Cc:



Subject: RE: Laverton GIG Agenda for 6.30pm Wednesday 7 December
Date: 25 November 2011 17:43:16

Dear Kerry

I am disappointed by your email because the purpose of the GIG is solely to support The Laverton building and its associated heritage and its use and appreciation as a public asset by the local community. The GIG has no political role and so is not supposed to be the vehicle to engage in the politics of the council.

If you want to make political comments about the council, you are of course entitled to do so without it needing to affect your contribution to the GIG.

You do not know the full details of what happened or why because the full details have not been reported in public and because a lot of misleading and downright false claims are being circulated by ex-councillors of one party for very political reasons largely because they resent the way I have had the audacity to tell the truth that they wanted to keep hidden. As a councillor, I've always been happy to stand up to liars and other nonsense. It drives the people who tell misleading claims and mislead the public nuts and they lose their temper and shout and write letters with lies in them.

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

The members of the LITMC are entitled to change the chair at any time. There is no truth in the claim that Stephen was denied the chance to lead the re-opening event because there was always only one person who was going to handle this in ANY event: The Mayor. This is because the project is a town council project and the town council is the trustee of The Laverton - not any individual or committee of people.

Stephen chose to suddenly leave the committee and not to turn up to the opening event.

The real argument leading up to the chair changing started about 6 months ago when Stephen used his position as chair to publicly attack a by-election candidate in a town council meeting when he should have been presenting a report or update on the Laverton project. In essence, Stephen was objecting to the truth that had been printed in an election leaflet, which basically explained that Stephen has not been the project leader. He was the LITMC chair. He was not the person who set up the project, who set out the vision (which he had started to call his vision at GIG meetings) or who came up with the overall funding strategy. The town council employed John Parker to advise on these matters where they had not already been dealt with. Stephen worked well as chair, but he was not the only person who did any work. Indeed, there was a team of people involved over a long period.

The real problem emerged when Stephen wrote letters which were published in White Horse News making false claims about councillors that connected to his role as LITMC chair. For example, he made the totally false claim that all of Westbury's Wiltshire Councillors were not aware of a "Performance Reward Grant" and were responsible for Westbury receiving less of this grant than other towns whilst he obtained some of the grant for the Laverton. The reality was that we all knew about the grant and it had been discussed several times at area board meetings and John Parker

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was using the "Central Bidding Unit" at County Hall for guidance on grants that were available (a fact I had always been aware of, not least because I have used the Central Bidding Unit for find grants for projects myself previously). The level of grants Westbury received were not related to whether Wiltshire Councillors knew about the grants. It was simply related to whether the right people applied for the grants with a relevant project at the right time.

Finally, at a meeting of LITMC about 6 weeks before the opening event, Stephen was asked to consider his position as chair. I and others certainly made clear to him that his position was untenable unless he withdrew his false claims. Stephen said he would consider the matter and write a letter to White Horse News clarifying his position. Unfortunately, he failed to withdraw any of his false and / or unfounded claims and simply wriggled about on who exactly he meant.

In other words, he was given a full and fair chance to put the matter straight but he failed to do so. It was then up to the committee members whether they were prepared to have Stephen continue as chairman. As it happened on the day, several people who wanted to see Stephen replaced as chair were not able to attend the meeting so the vote that occurred was rather misleading in terms of real overall views of the whole committee.

It is regrettable that this has all happened in the way it did, but Stephen put most of us on the committee in a position where we had no realistic alternative as to not have acted would have suggested to the public that we accept his behaviour in making outrageously false claims designed to improperly discredit other councillors including those who elected him as chair of the LITMC.

At the end of the day, he has brought what happened on himself and there is no truth in the idea that he was otherwise due to lead the re-opening ceremony anyway.

The speech I made was after the main speech by the Mayor and it was simply a summary about the main people who have helped to move the project forward (including Stephen Andres of course) and a mention was made (without mentioning names) of two people who caused a lot of damage and / or delays to the project through their entirely negative contributions at the time.

The truth deserves to be told, especially when some people are trying to rewrite what really happened for their own political purposes. As a councillor determined to ensure that the public know the truth, I have no option but to set the record straight.

Regards
Russell

From: Kerry.Eatwell [REDACTED]
Sent: 25 November 2011 11:22

[REDACTED]

Subject: Re: Laverton GIG Agenda for 6.30pm Wednesday 7 December

LAVERTON GIG - RESPECT TO STEVEN ANDREWS WORK & LOYALTY

Hi,

Whilst I have no objection to the new chairman's appointment, I do not agree with the timing or the manner used to install him and as such withdraw from any further association with group.

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Kerry

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

From: Gill

To:

Cc: 'John Parker' ; 'John Parker'

Sent: Friday, November 25, 2011 9:35 AM

Subject: Laverton GIG Agenda for 6.30pm Wednesday 7 December

Dear Colleague

Please find attached agenda.

Best wishes
Gill

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I 2

From: Russell Hawker
To:



Subject: RE: Laverton GIG Agenda for 6.30pm Wednesday 7 December
Date: 26 November 2011 08:59:11

Dear All

I do not intend to reply to all of Ian's points by email, not least because most of you will not enjoy the entire spectacle dropping into your email systems.

For now, I will simply state the following:

At the outset when Ian was co-opted by the committee to work on grants I objected to this in a perfectly calm and clear way (given the complete confidence I had at the time as a long-standing general practice commercial property chartered surveyor with a string of relevant professional qualifications and experience in all kinds of property management and development projects, lettings and sales and who had spent the previous year researching grants and then writing the newly adopted business plan such that I was fully aware of the complexities of the exercise) on the basis that Ian had no known relevant skills or experience to do the job he was claiming to be in a position to undertake.

It was clear to me that the committee was being hoodwinked by a fraudster. I am entirely happy to stand by and defend this position because it is true.

At no stage did I "go ballistic". I never lost my temper, unlike Ian who makes a habit of responding angrily and with personal insults to anyone who simply disagrees with him and is challenging the basis of his claims and statements. I simply recorded my view that what Ian was saying and doing was completely wrong and based on his own misunderstandings about the type of works the building needed and how to present this and, most importantly of all, how to present the *whole* heritage story to the Heritage Lottery Fund. It was clear to me that Ian never grasped the subtleties of how to apply to the HLF and that he was not interested anyway because he wanted simply to trash the new business plan and try any other grant he thought might be available. This was for blatant political reasons as Ian was simply sidelining me and the work I had done.

Although I stayed on the committee (actually, I am the longest continually serving member given that I was there in 2002 when the previous steering group was set up and there in 2003 when LITMC was set up), I did withdraw from working on what Ian wanted to do as I had no confidence in anything Ian ever said because it was all a series of manipulations and nonsense designed to cover his own errors and confuse the whole of the rest of the council. About a year later, I did send an email saying that I think Ian will be excellent when he gets up to speed on the project, which was my rather sarcastic way of saying that even after a year he was still not up to speed with the project (this is about as damning as I felt needed to be said as he had already bungled the application to HLF and was clearly bungling the BLF application in a really spectacular way and I did this because the damage to the project had already been done and it was only a matter of time before his charade unfolded before everyone's eyes. It did when the Big Lottery Fund application came back saying that the forms had been filled incorrectly in several basic ways and that the project would not qualify anyway as it was not about a new community hall (Doh!).

I will be replying to all of Ian's points in due course via other channels to show that it's all nonsense and/or an irrelevant series of diversions designed to cover his complete failure to obtain any grants over 2 years yet he was co-opted in the first place specifically to obtain grants on the basis that he was the person to do it. He got his way completely because the committee (apart from me) completely fell for what he said. Therefore, the end result of his work was entirely down to him.

Regards

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Russell

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WESTBURY TOWN COUNCIL

AT THE MEETING OF THE TOWN COUNCIL HELD AT THE LAVERTON, BRATTON ROAD, WESTBURY ON MONDAY, 9th JANUARY 2012 AT 7.00 PM.

PRESENT: Cllr D Windess (Chairman)

Cllrs S Andrews (arrived 7.18 pm), M Cuthbert-Murray (left 8.30 pm), Mrs S Ezra, R Hawker, D Jenkins, D P Jones, G King, Mrs C Mitchell, Mrs D O'Hara (left 8.00 pm) and W D Tout. Mr K Harvey, Town Clerk, and Mrs B Mantle.

PCSO Neil Turnbull
Five members of the public

Cllr Windess presented Mrs P Thompson (Pam Cox-Maidment) with her past Mayor's medal.

T.2577 PUBLIC FORM:

Dr P Biggs:

- Congratulated the Town Council on its Christmas events.
- Recently published book on Abraham Laverton by Tony Laverton - as requested at the previous Town Council meeting, asked for information on the number of copies sold.
- Timescale for new double yellow lines.
- Westbury Swimming Pool and Leighton Recreation Centre.
- Matravers School – 5A* results
- Cardio vascular disease, cancer, smoking, teenage pregnancy, anti-social behaviour, domestic violence, air and water quality statistics for Westbury.

T.2578 ACCEPTANCE OF APOLOGIES AND REASONS FOR ABSENCE:

- | | | |
|-----------------|---|-------------------|
| Cllr W Braid | - | Personal |
| Cllr C Pope | - | Personal |
| Cllr Mrs M Pope | - | Personal |
| Cllr S Miles | - | Personal |
| Cllr F Morland | - | Clash of meetings |

T.2579 DECLARATIONS OF INTEREST:

Cllr W D Tout – Agenda item 15: personal (employee of Sainsbury's).
Cllr D Jenkins - Agenda item 12: personal & prejudicial (Governor of Westbury Leigh School).

T.2580 MINUTES. The Minutes of the Town Council Meeting held on the 7th November 2011 were confirmed and signed by the Chairman.

T.2581 MATTERS ARISING FROM THESE MINUTES: Nil.

Members' matters arising from these Minutes: Cllr Andrews referred to the previous meeting's Public Forum when Mr I Taylor, an ex-town councillor, had asked Cllr Hawker to desist from his continuing criticisms of

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his chairmanship of the Laverton Institute Trust Management Committee. Cllr Hawker did not accept Cllr Andrews's comments on this matter.

T.2582 POLICE REPORT. Several burglaries in the town resulted in the arrest of three males from Westbury. Two of the burglaries involved theft of car keys and the subsequent theft of the cars from driveways. Both vehicles were recovered, but one had been burnt out. All three, including a fourth for an unrelated day time burglary, are on police bail.

Two males are currently on bail with conditions following a serious assault on New Year's Day.

There has been a reduction in reported incidents of Anti-Social Behaviour (ASB) in the town, due it is believed to the recent two successful ASBO applications.

Bluez n Zuz continues to be a success with currently 50 to 80 young people attending each monthly event. Bluez n Zuz offers a safe environment for young people to meet and socialise free from any peer pressure to become involved in ASB or take alcohol and drinks.

T.2583 WILTSHIRE COUNCILLORS' REPORTS.

- **Westbury Car Parks.** Cllr Cuthbert-Murray reported that Wiltshire Council spends £35,000 per annum on maintaining and running Westbury car parks, and requested a breakdown of this figure. Cllr Hawker confirmed the Town Council's Car Parks Working Group was pressing Wiltshire Council for full income and expenditure details.
- **A350 - additional traffic.** Cllr Jenkins reported that Wiltshire Council is talking with B&NES regarding the proposed diversion of traffic on to the A350. This matter will not be the subject of judicial review.
- **State of the Westbury White Horse.** Cllr Jenkins expressed his concern over the grey and dirty appearance of the horse.
- **Westbury Leigh/Leigh Park.** Cllr Hawker expressed concern about confusion between Westbury Leigh and Leigh Park.

T.2584 MINUTES OF COMMITTEES. The following Minutes were received and noted:

Finance Committee	-	13.12.2011
Highways, Planning & Development Committee	-	21.11.2011
Highways, Planning & Development Committee	-	19.12.2011
General Purposes Committee	-	05.12.2011

T.2585 MATTERS ARISING FROM THESE MINTES. Nil.

T.2586 It was resolved to bring forward Agenda item 14 regarding the Wiltshire West District Scout Association's request for a grant.

T.2594 GREAT WESTERN HOSPITAL NHS FOUNDATION TRUST. It was agreed to invite Claire Litchfield, Governance Officer for the Great Western Hospitals NHS Foundation Trust to the next General Purposes Committee Meeting on the 6th February to talk about the Trust and receive local feedback.

T.2595 CLERK'S CORRESPONDENCE/MATTERS.

Wiltshire Citizens Advice. Letter of thanks for the Town Council's grant of £5,000.

Christmas Events. The Town Clerk reported on the successful events held in the town.

T.2596 THE LAVERTON INSTITUTE TRUST MANAGEMENT

COMMITTEE. Cllr Hawker assured members that letters expressing the Town Council's thanks to those organisations, who provided grant funding for the Phase II refurbishment of the Hall, will be sent out shortly. Sioux How, Laverton Development and Marketing Officer, is currently working on all the necessary policies and procedures for the Hall, and John Parker, Project Officer, is working on the production of a formal business plan, which will be submitted to Town Council for adoption in the near future. The repairs to the ceiling in the Ladies toilets should be completed shortly.

T.2597 COMMUNICATIONS BY THE TOWN MAYOR. Cllr Windess reported on the functions he had attended on behalf of the Town Council, and thanked the Christmas Working Group for the successful events held in the town. He reminded members of the forthcoming Civic Reception on the 2nd March 2012.

T.2598 ACCOUNTS:

Payment of Accounts. On report by the Clerk and Responsible Financial Officer, it was resolved to approve the List of Payments made since the last meeting, or to be made, and to confirm the action of the Clerk, the Mayor and one other member in signing the necessary orders for payment and Bank Transfers as follows:

13.12.2011	-	£99,938.90
09.01.2012	-	£13,863.63

9.15 pm

**Signed on behalf of the meeting
this fifth day of March 2012**

.....
Chairman

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From: Russell Hawker [REDACTED]
Sent: 12 May 2012 10:19
To: Wiltshire, Roger
Cc: Gibbons, Ian
Subject: Code of Conduct Complaint Ref: WC 03/12 - INTERVIEW ON 17 May

Importance: High

Dear Mr Wiltshire

I have given more careful thought to the wording of your letter to me dated 10th May 2012.

On the second page in the second full paragraph which starts with "NB", you say:

"... my investigation only covers the period from the Laverton Launch event in October 2011 to the Westbury Town Council meeting held on 7th January 2012. Whilst I acknowledge there is a "history" regarding The Laverton, my investigation does not concern what may or may not have happened in past years, or what may or may not have been done by other people. If a breach of the Code has occurred within the scope of my investigation, the "history" may be something a committee could consider as mitigating circumstances."

This is a fundamentally flawed approach on your part because:

1. The core of Mr Taylor's complaint fundamentally relates to what I have said about his actions in relation to the Laverton refurbishment project which occurred in previous years - ie. Autumn 2006 - Spring 2009. He is now denying what I have said he did as if I have said something untrue and so disrespectful about him. It would therefore be wholly bizarre for you to not be interested in the veracity of what I am saying about Mr Taylor's actions in the past and to say to me: *"my investigation does not concern what may or may not have happened in past years"*.
2. You cannot tell whether a breach of the code has occurred under paragraph 3 (1) [You must treat others with respect] unless you identify exactly what has occurred (ie. the exact words and actions) and whether in the relevant context and circumstances what was said or done was actually disrespectful according to the Code (as clarified by many APE cases). If you think something I've said or written about Mr Taylor may be offensive and/or improper and/or untrue in a disrespectful manner under Para 3 (1), you certainly need to be concerned with seeking the truth and whole truth about all the relevant circumstances of the matter and - fundamentally - whether what I said or did was actually correct or factually true not. You must be aware that just because people choose to take offence or deny unsavoury facts about themselves, does not make it a breach of the Code to point out such facts in a truthful and factual (ie. without gratuitous insults) way.
3. You cannot properly analyse whether a breach of the code has occurred under paragraph 3 (2) b [You must not bully] unless you are properly analysing what has happened in all the relevant circumstances in the first place (see points 1 and 2 above).

It is important that you make clear, please, that you are approaching this matter in a wholly impartial and open-minded manner and that you as investigator are seeking all the relevant truth and are open to the prospect of past events shaping the truth (and being part of the whole truth) about what has occurred in the period you think this investigation is about and that you accept that any analysis of the truth must include an analysis of all the relevant information including what actually happened in the past if the matter relates to the past.

As I said previously, please be aware that I will not be bringing all my potential evidence with me (to the interview on 17 May) as there is too much going back several years that may be relevant. Until you tell me what exactly you think might be a breach of the code (eg. by highlighting the exact words etc. - you have not yet done this), I cannot be sure what I need to show you to explain the truth of this matter and I have hundreds of relevant documents / emails and a handful of potential witnesses etc which may or may not be relevant depending on what you choose to pick out.

Yours sincerely

Russell Hawker

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Extract from minutes of meetings as provided by Mr Taylor.

WESTBURY TOWN COUNCIL

**AT THE MEETING OF THE TOWN COUNCIL HELD AT THE LAVERTON,
BRATTON ROAD, WESTBURY ON MONDAY 4th SEPTEMBER 2006 AT 7.00 PM.**

T.1546 THE LAVERTON INSTITUTE – TO APPROVE AND ADOPT THE BUSINESS PLAN (ISSUE NO 2). It was agreed that Cllr Hawkins should chair this item in the absence of Cllr Finbow, who had declared a personal and prejudicial interest in this matter, and had left the room.

Cllr King reported that the plan is the culmination of the last six months work of the LITMC. It was found that Issue 1 was not fit for purpose, and, in fact, hampered the process of grant application. This exercise has allowed the Committee to assess performance to date and plan how the project will go forward.

Cllr Hawker confirmed that the purpose of the plan is to explain the actual costs of running the building for the last three years, and the latest proposals for the future development and use of the building, in order to facilitate detailed advanced discussions with grant providers, and/or any other funders (Heritage Lottery Fund (HLF), Community First – Landfill Tax Credit Scheme).

In summary:

1. The cost of the main scheme will be £350,000.00 (HLF 70% of the cost with 30% match funding) – anticipated.
2. The ground floor Snooker Hall and Reading Room will be converted into a further hire facility, and the Hall Manager's office.
3. Installation of a hydraulic platform lift within a shaft.
4. First floor ladies wc will be refurbished, including the installation of a separate unisex disabled wc, and upgrading of kitchen.

In conclusion, Cllr Hawker reiterated that Issue 2 needs to be adopted by Town Council showing support for the plan. He assured Members that acceptance of the plan does not automatically provide the LITMC with authority to obtain any loan, or to enter into any contract for works, and when new tenders have been obtained for the whole refurbishment project and detailed grant availability has been confirmed, the plan will be updated and a further decision will be obtained from Town Council for give final approval at the time.

Cllrs Hawker and King gave the following responses to Members' questions:

- Should the HLF grant bid fail, the alternatives are the Landfill Tax Credit Scheme (although not adequate to meet the cost of the whole scheme), and the Big Lottery Fund's Community Buildings Fund. The Town Council

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also raised £100,000.00 through the precept in 2004/2005, approximately 70% of which is still held in reserve.

- Westbury Town Council pays a revenue grant to assist the charity. It is proposed to increase this to £20,000.00 pa from 2010/11 to reflect the increased public use, enjoyment and benefit of the community facilities by then.
- Business sponsorship – the list of potential sponsors are suggestions, and will only be approached at a later date, and for specific small projects only. It is necessary to include this information for grant purposes. However, it is agreed that specific details should be kept confidential and omitted from copies of the plan for release to the public.
- The LITMC is a busy committee, meeting twice a month. There have been delays in the project, but this is due to caution and care.
- The long term aspiration of the LITMC is for the Hall to be managed by the community. Until such time as the Hall is refurbished the Committee will continue to co-opt additional members when needed. Once the project is completed, it is hoped that a new committee, comprising trustees and ordinary committee members, will take the management of the Hall forward.

Cllr Hawker proposed that this Town Council adopts the Business Plan (Issue 2) as presented, with the minor amendments agreed, and the list of potential sponsors (Pages 23 and 24) being removed from the public version of this document for the reasons discussed. **The resolution was carried.**

WESTBURY TOWN COUNCIL
The Laverton Institute Trust Management Committee
Notes of the Meeting held on 1st November 2006
at The Laverton

**PRESENT: Cllrs G I King (Chair), M B Hawkins, and C T Finbow.
Mrs H McKinnon and Mrs B Mantle.**

1. **Apologies.** Cllrs Mrs P Cox-Maidment and R M J Hawker.
Mr I Clark and Mr L J Fry.
2. **Heritage Lottery Bid.** Ian Taylor, Project Co-ordinator, recommended that the bid is worked up by the committee itself with him co-ordinating and where necessary motivating progress. GK suggested working in pairs and dividing the various sections of the bid between each pair with one pair acting as author and another acting as editor.

The sections are:

	Section A	The Project Summary
	Sections B & C	About your organisation and project details
Sections D & E	Project aims and priorities and planning and managing the project	
Section F & G	Financial viability and development funding	

Sections H & I	Identifying, charting and identifying risk and measuring the success of the project
Sections J & K	Other lottery applications and supporting documents

It was agreed to divide the sections as follows:

Charlie Finbow and Mike Hawkins	-	Section A
Ivan Clark and Horace Prickett	-	Sections B & C
Helen McKinnon and Pam Cox-Maidment	-	Sections D & E
Russell Hawker supported by Les Fry and Barbara Mantle	-	Sections F & G
Collectively, or Ian Taylor. (Helen to do Landfill Tax Credit bid	-	Sections J & K
Sections H & I	-	?

It was agreed to bring the first drafts to the next meeting on 29.11.06, finalise the draft document by Christmas and submit the bid at the end of January 2007.

Ian Taylor had suggested the bid be themed on heritage, but GK proposed drawing on the original objects of the charity and developing them through to the present day and into the future.

It is also necessary to work on the education policy, conservation statement and management plan.

WESTBURY TOWN COUNCIL

AT THE MEETING OF THE TOWN COUNCIL HELD AT THE LAVERTON, BRATTON ROAD, WESTBURY ON MONDAY, 6th NOVEMBER 2006 AT 7.00 PM.

T.1568 THE LAVERTON INSTITUTE TRUST MANAGEMENT COMMITTEE. The charity accounts have been prepared for 2003-04, 2004-05, and 2005-06 and are being externally audited, and will then be submitted to the Charity Commission.

The Committee will be looking at the viability of developing a management accounting system for The Laverton.

Mr Ian Taylor has now volunteered to act as project co-ordinator, and will be assisting with the final lottery bid. Members have been allocated different sections of the bid application, and will be submitting their drafts to Committee at the end of November. It is planned to finalise the draft document by Christmas and to submit the application by the end of January.

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Clr Russell Hawker
25 Caspian Gardens
Westbury
Wiltshire
BA13 3GB

The Monitoring Officer
Wiltshire Council
County Hall
Trowbridge
BA14 8JN

14th November 2012

For the Attention of: Ian Gibbons

Dear Sir

Case Ref: WC 03/12
Updated Response to an Investigation Report

Further to the Investigation Report dated 24th August 2012 written by your appointed investigator, Mr Roger Wiltshire, and further to my original response letter dated 16th October 2012, I now submit this updated and revised letter containing my comments to you.

It has been necessary to submit this revised response, because the previous letter dated 16th October contained several mistakes and insufficient detail on some issues.

Thank you for bearing with me whilst I took time to think about what to say in this updated Response.

I disagree with large parts of the report because many issues have been inadequately and / or improperly investigated with the result that much of the evidence presented in the report - and the investigator's subsequent analysis of it - is highly and unfairly selective, bizarre, out of context, misleading and /or wrong. Indeed, much of it has not been shown to me before so that I have had no previous chance to comment. This must be a fundamental failing in an investigation process that does not involve any draft report inviting comments prior to being issued as a so-called finished report.

In any other situation where an investigation does not ask for the opinion of the person under investigation about all or parts of what happened and any perceived evidence under consideration this would be regarded as a stitch up.

There approach taken by the investigator is clearly biased. He has not followed up lines of enquiry that I gave him during the interview session (ie. witnesses who could explain whether my claims are true – see the end of my statements) and has presented extensive new evidence in this report that he never previously mentioned or gave me a chance to comment on. If I had known about many issues that have been put to me for the first time in the report, I would have put forward my evidence, including relevant witness statements / comments, to answer and explain the relevant points earlier. As it is, the report presents a highly distorted picture and looks like it was designed to achieve a

negative result at a hearing almost as if an unfair and corrupt approach like this will not have consequences.

The investigator's analysis of the meaning of some words I have used has been undertaken without properly quoting from any recognised dictionary. In the case of the word "fraudster", he has failed to acknowledge or simply dodged obvious meanings that I meant in the relevant context at the time, and which I described at my interview (and which is set out in my statements)..

His analysis of case tribunal decisions and consideration of whether some points within them properly relate to or compare with the circumstances being investigated is so flawed that the bias against me looks like it was driven with a determined zeal.

The report is clearly not the result of a fair investigation. The investigator did not properly set out to find the truth. The investigator has clearly worked with the complainant to stitch me up with an ambush via a report to present a biased and misleading selection of previously unseen evidence along with a biased analysis of that evidence.

The Appeals Tribunal Decision APE 0441 (2009) considered the need for Standards Committee proceedings to be fair and at [26.3] states:

"The Standards Committee are alleged not to have considered the relevance of the evidence to be given by potential witnesses. The Appeals Tribunal considers that a Standards Committee has a duty to consider such relevance and to give reasons for not calling witnesses. The same considerations apply to an Investigating Officer's refusal to interview potential witnesses."

At [24] it states:

"The starting point in any proceedings which have a judicial or quasi-judicial element is fairness which is a fundamental feature of English law. The guiding principle was expressed by Lord Hewart CJ in R -v- Sussex Justices, ex parte McCarthy [1924] 1KB 256, in the following terms,

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

At [25] it states:

In addition, regard must be had to Article 6 the 1950 Convention for the Protection of Human Rights and Fundamental Freedoms as given effect in English law by the Human Rights Act 1998 which gives a right to a fair trial.

I am certainly reserving the right to complain formally about the very unfair, improper and corrupt way that this investigation has been conducted.

It may be that the right and fair way to proceed from this point is to re-open the investigation to properly examine all aspects of the matter. Alternatively, I would be happy with a finding of no

breach of the code of conduct made by the Monitoring Officer based on the evidence I have already sent you (referred to in this letter).

My Comments on specific parts of the Report

My comments below follow the headings and paragraph numbers used in the report from section 2 (The Complaint) onwards, in the same sequence as they appear.

The Complaint

2.1 Ian Taylor did ruin progress with the refurbishment project by putting himself forward as a non-councillor (ie. as someone with relevant skills to offer) in September 2006 as a project leader where the council relied on him to obtain grants and then he failed to achieve any grants through his own utter incompetence. This caused a loss of confidence in the project, years of delays and the closure of the hall to normal public hire. Mr Taylor is fundamentally in denial of the truth. His complaint is based on the false notion that my statement at the Laverton Re-Opening event was false. My evidence, which includes an expert witness statement, will show what the real truth is. I told the truth, which I was entitled to do. I was fully justified and freedom of expression rights apply with the higher protection afforded to political statements. My statement at the Laverton re-opening event was true and relevant and did not involve vulgar or gratuitous personal abuse. It was a factual statement praising some people for moving the refurbishment project forward and mentioning that two un-named people also seriously tried to kill off the project (Bill Braid) or seriously ruined progress of the project (Ian Taylor) until John Parker put the project back on its tracks.

Mr Taylor's complaint is essentially politically-motivated and is part of a determined attempt to discredit me organised by Mr Taylor and his Conservative accomplices.

In essence, Mr Taylor misled the Laverton management committee (LITMC) right from the start when he became involved by leading most members of the LITMC to believe that he would and could obtain the grants needed to progress the refurbishment project, when in fact he had no proper idea or understanding of the relevant processes. This will be explained later.

2.2 Mr Taylor was lying by saying that what I had said was untrue. I had nothing to apologise for. This will become clear later.

2.3 My email followed the smear campaign launched by Mr Taylor which involved him appearing at the town council and making a totally false statement about me which resulted in the consequent disparaging article in White Horse News on 24th November 2011 (Appendix G3 in the report) and his letter in the same issue of the newspaper (G1) which contained several blatant lies about me. This is the background context to my email. No-one pressed me to explain every lie made by John Clegg or Ian Taylor, so I have not yet seen the need to bother with this.

2.5 The council has no jurisdiction to deal with allegations of defamation. Everything I have said about Mr Taylor is true and can be justified.

Preliminary Issues

3.5 I am happy that this investigation includes the Laverton Re-opening Event on 21st October 2011 as it was a reminder of the fact that Mr Taylor had caused the closure of the building to normal public hire several years earlier. The “Re-Opening” was not just the re-opening after a period of complete closure due to the refurbishment works, but was the moment when the building became properly open to the public again (after being closed to normal hire in November 2007). This is the unpalatable truth that Mr Taylor and his Conservative pals are desperate to deny and forget. It is a proper matter of public interest.

The relevant legislation and guidance

There is much “guidance” from the much discredited and now closed Standards Board for England (aka “Standards for England”) on what it thought does and what it thought does not constitute official capacity and respect. But, as always, the correct interpretation and meaning of the now defunct code was matter of Law at first instance for case tribunals (of the Adjudication Panel for England and then the First-Tier Tribunal), and was ultimately for the Courts (see **Scrivens v ESO [2005] EWHC 529 (Admin) (11 April 2005 – Stanley Burnton J)** esp. at [35] and [44]).

4.3 No reference been made to my own blog which is at <http://russellhawker.wordpress.com>

The investigator seems to think that the “Westbury Town Forums (v.4)” at www.westburytownforums.co.uk is a “blog”.

It is actually a web-based private chat forum open for anyone online to join as a member, subject to approval by the owner, and open for anyone to view (ie. open for public viewing). A blog run by a councillor labelled as that councillor’s own blog would obviously contain blog posts mainly about council business. A web chat forum involving all sorts of different people posting comments on various subjects is a different environment, especially if the councillor member makes clear that he is there in his private capacity only on all his posts.

The First-Tier Tribunal Decision LGS/2011/0537 was presided over by the former president of the Adjudication Panel for England and recent lead judge of the (Local Government Standards in England) First-Tier Tribunal, David Laverick. This case contains numerous important and highly pertinent points on a variety of issues.

4.7 The First-Tier Tribunal Decision LGS/2011/0537 at [40] states:

“The Code of Conduct provides that a member must not bully anyone. The Tribunal has noted the description of bullying set out in paragraph 7.49 of the ESO’s report of her investigation. The Tribunal understands that this paragraph or something similar appears in guidance issued by Standards for England. However, bully is defined in the Shorter Oxford dictionary as “to act the bully towards; to intimidate, overawe.” That is a much narrower definition than the guidance used by the ESO. The Tribunal takes the view that if the Secretary of State wishes the Code of Conduct to apply to conduct which falls outside the dictionary definition then he needs to draft the Code in a way which achieves that aim. As presently drafted, the Code does not. There is no evidence that the Town Clerk was overawed or that he was intimidated. Undoubtedly he was criticised and in a more public

way than was appropriate. It may well be the case that the criticism was itself unfair and a reflection of the Respondent's difficulty in taking a more balanced view. However, the Tribunal is also mindful that the Town Clerk was occupying the most senior post in the Council and, notwithstanding the ESO's observations on this matter at paragraph 7.52 of her report, in the Tribunal's view the threshold for a bullying relationship to be proven must be a high one. The Tribunal's conclusion is that the Respondent's conduct, though disrespectful, fell short of bullying."

There is no evidence that Mr Taylor was over-awed or intimidated by anything I've said or done. He simply dislikes what I've said, has denied the truth in what I've said and is playing politics with his public statement about the matter designed to discredit me at a public meeting of the town council and his letter in the local newspaper. The reason I've had to repeat what I've said about Mr Taylor's actions is that he has denied them, attacked me with false claims based on his denials of the truth, and caused me to have to respond to him and to explain the issues to others.

He is now clearly a serial liar and fraudster. Not only was he a fraud to claim that he was able to obtain grants for the project, but now he's falsely claiming to be a victim and is abusing the standards system via his false complaints based on his own lies and deceit.

4.9 The Appeals Tribunal Decision APE 0441 (2009) at [7] states:

"In relation to the Appellant's ground of appeal that he did not show disrespect, the Appeals Tribunal consider that the approach adopted both by the Investigating Officer and by the Standards Committee was flawed. They have considered simply whether or not the word 'liar' 'went beyond political expression, was rude and offensive and amounted to an expression of anger and personal abuse.' They do not appear to have considered whether or not the Appellant was justified in using the word on the basis that it might be true. In fact, they specifically determined that such possibility did not concern them."

At [8] it states:

"There are aspects of the evidence which suggest that the Appellant might have been justified ..."

At [14] it states:

"These were all matters which should have been taken into account by the Standards Committee in assessing whether or not the use of the words 'liars' was disrespectful. ... it was not open to the Standards Committee to ignore them given their clear relevance to the Appellant's words ... The Committee should have assessed whether or not the untruths could properly be described as lies by exploring whether or not they were deliberate or negligent falsehoods. If they were, the description 'liars' would have been apt and justifiable, albeit unpleasant."

At [15] it states:

"There is insufficient evidence for the Appeals Tribunal to determine whether or not the Appellant's words were justifiable. There was insufficient evidence before the Standards

Committee to make such a determination. ... In the absence of the relevant evidence ... the decision of the Standards Committee cannot be sustained. The appeal must succeed”

It is quite clear from this decision that it is perfectly reasonable for a councillor to use words that may appear offensive if they are true and justified and not used in a gratuitously offensive way – ie. to simply describe a true and relevant point.

It is relevant to bear this in mind when reading what I said in some emails when I was defending myself against Ian Taylor’s false claims.

4.10 The investigator has sought to draw a contrast with Case Tribunal Decision APE 0427 (2009) as if the facts in that case align more closely with the facts in this investigation. But, they do not.

The Appeals Tribunal Decision APE 0441 (2009) at [16] states:

“The Standards Committee have referred to the Case Tribunal’s decision in Mason (Needham Market Town Council – APE0427). The Appeals Tribunal is not bound by that decision, but, in any event, the facts can be distinguished. In Mason, the councillor made a pre-meditated attack on the mayor-elect and an officer of the Council. He called them ‘proven liars’ although there has been no finding by any Court, Tribunal or other competent body to that effect. The Appellant in the present case did not initiate an attack but responded to a question. He did not imply that the term ‘liar’ was other than his own belief. The Case Tribunal in Mason, acknowledged the relevance of truth in addressing the issue of breaching the Code of Practice. It said (at paragraph 5.3):

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

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

In the situations (only emails) where I am accused of disrespectfully using strong words, such as “liar” or “fraudster”, I was defending myself against Ian Taylor’s false claims that he had made in public that I had misled people in my speech at the Laverton Re-opening Event (similar to the way the councillor in APE 0441 defended himself with strong but true words) rather than launching an unprovoked attack at a particularly sensitive moment in a public meeting on an officer and a councillor who is about to be appointed as mayor, as in APE 0427.

In APE 0427, the councillor brought up old issues which had been previously investigated and called the mayor-elect a proven liar just as she was being appointed mayor. The Laverton re-opening event was not about Ian Taylor, the project is still underway (John Parker is still applying for grants to help us make more progress), and these issues have not been investigated before. Also my speech did not contain personal abuse or claims about lying (and I did not say “proven”).

In any event, my speech at the Laverton re-opening event did not include any personal abuse or strong words such as “liar”, so APE 0427 is certainly irrelevant to that event. Therefore, it is relevant to look at whether what I said at the Laverton Re-Opening event was justified, but the investigation report fails to look at this properly.

In other words, the investigator has failed to investigate properly the key issue upon which this whole case revolves – whether what I said was true or justifiable or not. The investigation simply has not attempted to seek the truth in a proper and meaningful way. This is unfair. It is an incompetent and / or corrupt way to investigate anything as serious as an allegation that a councillor is in breach of the code of conduct.

4.11 The First-Tier Tribunal Decision LGS/2011/0537 at [34] states:

“It was not for the Tribunal to determine the validity or otherwise of the Respondent’s criticisms but the Tribunal observe that the facts which seem to lie behind allegations that the Council had incurred unnecessary expenditure and had received a lesser number of tenders than expected did not inexorably lead to the conclusion, as asserted by the Respondent, that the Town Clerk was thereby at fault.”

This means that it was not for the tribunal to determine whether the clerk had failed in any way as he was not under investigation, but the tribunal was able to “observe” the relevant evidence to help determine the case in hand. The tribunal also noted that in that case their observation was that the clerk was not necessarily at fault. This latter point reflects the issues in that case. It does not mean that whenever a councillor criticises anyone that their criticism is always unjustified. I can show that my criticism of Ian Taylor is justified and can be proven with relevant documentary and witness (including an expert witness) evidence.

Evidence gathered

Noted. I will be referring to some of this evidence to explain that the investigator’s analysis of the meaning of this “evidence” is largely illogical, wrong, biased and misleading.

Summary of Evidence and findings of material facts

The Laverton Launch Event

6.10.7 The point about “killing the project off” was made by me in relation to Cllr Bill Braid who had resigned as Mayor in January 2003 as public stunt against The Laverton a result of his failed attempt to kill off the project at birth, when the council first decided by a majority vote to become the trustee of The Laverton Institute charity which owns The Laverton building.

I had accused Ian Taylor of ruining the refurbishment project through failing to obtain grants, which was the key issue he had become involved in the project to handle in September 2006.

I disagree with the misleading wording of the finding of fact here. I criticised Ian Taylor’s actions. I did not make any attack on his personal character. The finding mentions that I criticised “Mr Taylor and the actions of Mr Taylor” as if I attacked him personally as well when I did not.

NB. The investigation report contains no evidence that supports the idea that I made a personal attack on Ian Taylor apart from an unsubstantiated claim in the statement from Cllr Andrews who was not there at the event anyway!

6.10.8 Only Ian Taylor and wife plus their 2 friends walked out after the speeches. I saw this myself. The statements from everyone else on this are unclear. The only people annoyed with my speech were Conservatives who did not like the criticism I had made of 2 former Conservatives who had either tried to stop the project (Bill Braid) or who had spoiled the project (Ian Taylor). An opinion that a council event is not the place to mention a home truth about who made a negative contribution to an important project is just an opinion that is of no consequence for the purposes of the code of conduct unless someone is pretending that my speech contained gratuitous insults, which it did not.

There is nothing in the code of conduct saying that councillors cannot say contentious matters outside standard council meetings. The investigator has not supplied any evidence that demonstrates that it is inappropriate or would be disrespectful to discuss contentious issues outside a council meeting, whether in public or not.

The finding that my speech caused “some upset” is based on the behaviour of a very small number of people who over-reacted to hearing the truth about Ian Taylor’s involvement. “Some upset” sounds close to “a bit upset”. Causing upset and offence is not in itself a breach of the code, especially if what was said was true and relevant.

Article 10 of the European Convention on Human Rights (Freedom of Expression) protects political comments. My comments were about a local political issue, were carefully made without gratuitous insults, were true and so benefit from the higher protection afforded to political comment.

The investigator should be ashamed of himself for suggesting otherwise.

NB. The report does not offer any evidence based on case law or SBE guidance (not that I regard the latter as necessarily valid, given that the SBE regularly wrote utter nonsense that was overturned by tribunals and high courts) to properly support the idea that criticising someone in a factual and truthful way could end up as a breach of the code in any situation at all.

“Freedom of Speech” law is based on the reality that some people will take offence at anything, even the truth, so it is entirely unrealistic to claim that it is disrespectful to mention anything simply because it causes “some upset”.

The Westbury Town Forums

6.11.1 There is no evidence in the report that the relevant “Westbury Town Forums” calls itself “official” or claims anything at all about itself. The printout of one discussion thread in Appendix E1 is of “Westbury Town Forums v.4” which is located on the web on a .co.uk domain. The investigator is confused with another similar forum which calls itself “official”, is located on a .com domain and which does make numerous and doubtful claims about itself. I am not a member of the .com forum.

6.11.2 My ID is “baldy” not “Baldy”.

6.11.3 I said “baldy” not “Baldy”.

6.11.4 I do not use a “header” above my posts at all. The line saying “I may disagree with your views but I am NOT attacking YOU!” is the “signature” line that Mike Hawkins (a twice former Westbury Mayor) uses so that it appears as a footer on all his posts. The investigator must be confused by a post from Mike Hawkins that appeared above a post from me so that Mike’s “footer” appears to be my “header”.

The content of the forum posts

6.11.6 I did not make any “report” of anything. A “report” is more structured and formal than a simple reply in an informal chat forum. I simply replied to a question from Mike Hawkins. Although he referred to me as the chairman (of the Laverton management group), I did not say I was responding as a councillor or as the chairman. Indeed, my signature (what the investigator has called a “footer”) in all my posts says “I am here in my private capacity as a local resident only (unless stated otherwise)”. Mike Hawkins and all the other participants in that thread (shown in Appendix E1) know very well that I am there in my private capacity. It would be illogical to argue that I am appearing to represent the council when I am explicitly saying that I am not.

6.11.7 Appeals Tribunal Decision APE 0421 (2009) at [30] states:

“It was noted that Councillor McTigue had used a pseudonym, and that she states in at least one of the postings that she is on the forum as a resident who just happens to be a councillor. However, taking the contents of the postings on the Evening Gazette forum as a whole the Appeals Tribunal concluded that the Appellant did give the impression that she was acting in the role of councillor and thus representing the council.”

Paragraph 2 (1) of the code of conduct says that the code applies whenever you

- (a) conduct the business of your authority or office, or
- (b) act, claim to act or give the impression you are acting as a representative of your authority.

The Appeals Tribunal Decision APE 0421 does not discuss what constitutes “conducting the business of the authority” or whether Cllr McTigue conducted any such business. The Decision confines itself to an analysis of what Cllr McTigue did that gave an impression that she was acting as a representative of her authority.

There are several key differences between that case and this. To start with, Cllr McTigue had initiated the discussion topic (called a “thread” in westburytownforums.co.uk), whereas I did not – See [17] of APE 0421. Her pseudonym of “Indie” is basically reflecting her real role as an Independent councillor. My ID is “baldy” which has no connotations of acting as a councillor. My profile signature (“footer”) appears on every post – Cllr McTigue’s comments that she was not acting as a councillor were only posted occasionally (See [30]). Her postings continued well after it had been made clear by people making posts that her posts were inappropriate – this was not the case here as no-one said they saw anything wrong with my posts.

6.11.8 I was not posting a report on a meeting to my own blog as Cllr Brookes was. I was replying to a question in an informal chat forum, where neither the forum nor the thread in question refers to

me by name. Only a post from another contributor mentions me by reference to the fact I was the chairman of the relevant working group.

6.11.9 Referring to Paragraph 2 (1) of the code of conduct (see above comment at 6.11.7), the code applies if the councillor is conducting the business of their authority or office - or if the councillor acts, claims to act or appears to act as a representative. The investigator offers no evidence that I was conducting the business of my office etc, but tries to show that I was acting as a representative of the council.

The First-Tier Tribunal Decision LGS/2011/0537 at [4] states:

“... The Tribunal accepts that a councillor may do things which affect the reputation of the Council but it is only if those things are done in his official capacity that any breach of the Code of Conduct can arise. There will be times when a councillor acts as a representative of the Council of which he is a member. But that will usually be where he is asked, by the Council, to undertake that representative role. The Tribunal is not persuaded that the word “representative” should generally be given a wider meaning, and in particular is not persuaded that a wider meaning can be construed in the circumstances of this case.”

At [21] it discusses the meaning of “representative” and says that none of the actions of the councillor under consideration involve his acting or claiming to act as a representative of the council.

At [22] it states:

“Miss Kentridge submitted, that although signing himself as “Councillor” is not itself sufficient to establish that the Respondent’s action is undertaken in an official capacity it is highly indicative of this, although if the particular entry is entirely extraneous to Council business this might offset that initial assumption.”

At [23] it states:

*“The Tribunal takes a more cautious approach. If the particular entry is entirely extraneous to the Council’s business it is hard to see how the writer can be said to be acting in his official capacity. Even where he is writing about the Council he is * necessarily acting in his official capacity in so doing. The particular circumstances need to be carefully examined.”*

Unfortunately, there appears to be a typo in [23] because the word “not” has been missed out where I have placed the *. As the second sentence starts with the word “Even” and the first sentence talks about a more cautious approach, it is clear that the tribunal meant to say that a councillor is not necessarily acting in his official capacity if he is writing about the council. There is no other logical interpretation. It is worth noting that another typo exists in the same decision at [3] in the first sentence where the word “phrase” is miss-spelt as “phase”, so a typing mistake is entirely plausible at [23] as well.

The meaning of [4] (above) in the context of this case is that I am not acting as a representative of the council if I'm not appointed as one. I was not appointed as a representative of the council to the forum. There is no evidence for this.

Having corrected the typo in [23], the overall meaning of [22] and [23] in the context of this case is that even if I am talking about the council, I am not necessarily acting in my official capacity. This can be construed to mean that I am not necessarily acting or appearing to act as a representative. The particular circumstances need to be examined.

The investigator is left with only one angle to try to say that the code applies; that I gave the impression of acting as a representative (as opposed to actually being a representative). But, my profile signature at the foot of all my posts makes clear that I am not posting as a councillor. Only someone determined to ignore this advice would twist the circumstances and allege that, regardless, I "appeared to be acting" as a representative of the council, when all I was doing was replying to a question that came at me because I happen to use the forum as a private individual.

Councillor Hawker's letters published in White Horse News

6.17.3 It is not relevant whether Cllr Andrews made the original proposal or not. The issue is whether I was correct to say that it was untrue for Ian Taylor to claim that I made the proposal. The evidence in G6 and G7 simply shows that all I did was put the Laverton Management group's proposal forward in my role as chairman regardless of where the ideas originated. I'll explain this more later.

The Westbury Town Council meeting on 9th January 2012

6.18.6 Cllr Andrews did say I was telling lies about Ian Taylor. What I said was true and justified as a response to Cllr Andrews untrue and unjustified public attack. The reason why the investigator is letting this particular event slide may be that he is trying to find me in breach at every opportunity whilst trying not to cast aspersions on Ian Taylor or any of his Conservative friends, such as Cllr Andrews. We will certainly be returning to this whole point one day.

NB. The paragraphs 6.18.7 – 6.18.10 below have nothing to do with the above heading about a full council meeting on 9/1/12.

6.18.7 The evidence in Appendix J3 described as "minutes of the LITMC working group meeting held on the 1st November 2006" are "Notes" not Minutes. Please look at the heading of the notes. This is an important difference as "Notes" of working groups were circulated to members of the group attending the next meeting. The town council has only become used to emailed agendas and notes for working groups in the last 2 or 3 years. "Notes" are not presented to full council meetings and are not available for general public circulation.

6.18.8 These "Notes" (not "Minutes") show that I was not at the meeting. I did not agree to what was agreed about me by others who did attend the meeting. Soon after, I saw these notes and I asked the then town clerk (Les Fry) as to what he thought "Financial Viability and development

funding” as allocated to me, him and his assistant meant. He explained that this meant cash flow analysis and budget planning and did not include grant applications because the Heritage Lottery Grant was to be handled by the group overall with Ian Taylor leading (see the notes at the first paragraph in point 2) and Ian Taylor was going to handle other grants as well (see who got allocated “J & K”) apart from “Helen” (the then hall manager) who would handle a Landfill Tax Credit grant.

In other words, the task allocated to me was a non job as the clerk (who was perfectly capable) and his assistant had the spot covered anyway.

6.18.9 The investigator’s analysis here is just complete nonsense because, like Ian Taylor, he does not understand the process for applying for a Heritage Lottery Fund grant or what actually happened after Ian Taylor took control of the HLF grant application.

It is important to understand the following points:

a) I made a pre-application bid for HLF funding in 2004 and the formal reply by HLF was made in a letter dated 3rd September 2004 (see attached copy), which acknowledged the pre-application. This was a successful response. The next logical step at the time was to organise the project and produce a business plan and get the council to support this business plan. This was achieved at the September 2006 full council meeting. The next logical step was to proceed towards a full main grant application, which would involve serious public consultations and careful consideration about how to present the project to HLF so that it complied with every exact detail of their funding criteria.

b) Ian Taylor took control of the process, after hoodwinking the LITMC group that he knew what he was doing, and had a conversation with one of the HLF advisers asking if HLF would like to fund our project. Ian simply had no idea what he was talking about in terms of how to ensure the project complied with HLF criteria and so the response from HLF was bound to be generic and basic.

c) There is no evidence that Ian Taylor made any proper “application” to HLF at all – not a proper pre-application on the relevant form or a full main application (the latter was impossible as he never made any progress with the relevant detailed work needed anyway to make a main application).

See the attached document labelled as “HLF reply to Ian Taylor - Jan 2007”. This is what Ian Taylor claims to have been the reply that HLF sent him in response to his “application”. It is not on any headed notepaper and it does not acknowledge an application. It simply reflects a basic conversation where Ian Taylor obviously gave the impression that he has no idea whether the Laverton Refurbishment Project could comply with the relevant HLF criteria at all. It effectively confirms that Ian Taylor had no idea what he was doing or saying in relation to the criteria used by the HLF as to whether a project would qualify for a HLF grant.

d) Please see the attached email strings marked “private and confidential” which contain witness evidence from former councillors Charlie Finbow and Mike Hawkins and from John Parker, the town council’s expert project consultant. Please also see the attached copy of the business plan (2006) which is referenced in the email dialogue with John Parker.

NB. This evidence confirms that Ian Taylor did misrepresent his abilities to the LITMC in September 2006 when he offered to handle the grants and act as overall project co-ordinator.

If this matter proceeds to a hearing, I will call these three and others as witnesses. I would expect them to say more than has already been said in the emailed comments.

NB. All three are willing to be approached by you for purposes of verifying their comments. You can simply open the emails and use their email addresses to “forward” the email string to them asking them to verify anything to your satisfaction. The investigator simply failed to contact them. Although I did not suggest to the investigator that he should contact John Parker, he should have realised that John Parker is in the best position to explain the process for applying for grants.

The overall meaning of the above three witness comments is that Ian Taylor knew that the project was important, involved considerable sums of money, needed to be handled in a business-like manner with appropriate expertise and ability and needed to make positive progress by obtaining grants. He claimed to have the particular skills necessary to obtain grants.

There is no other logical reason for appointing an external person (ie. a non councillor) to the LITMC to co-ordinate the project. He had claimed to be the person LITMC needed to handle grants and coordinate the project.

His claims about his ability to handle the project and obtain grants were in fact false in every way. His actions demonstrated complete incompetence. The project only made forward progress once John Parker was engaged to provide project leadership and apply for grants.

Ian Taylor did not understand the point about the lift being an improvement intended to enhance accessibility to the building and its heritage beyond simple DDA compliance works.

Ian Taylor misled the LITMC about his abilities and failed to obtain any grants. He did not understand the grants he was trying to deal with in any way at all. He bungled every aspect of what he actually did in relation to grants.

If this matter proceeds to a hearing, I will publicise the fact that Ian Taylor bungled the project and caused the town council to lose grant funding that it would have obtained. In particular, he caused the town council to have to raise a large Public Works Loan Board loan to pay for the lift, which would otherwise have been included in a HLF grant if Ian Taylor had not messed up the project by messing up the grant applications.

6.18.10 Since sending the email to the investigator on 19/6/12, I have obtained much better evidence which completely supersedes the material I was referring to then. The expert witness evidence obtained from John Parker (project manager) does prove that an application for a grant to the HLF would have been successful if it had actually been made at the right time in the right way.

Reasoning

7.1.1 and 7.1.2 The First-Tier Tribunal Decision LGS/2011/0537 at [34] states:

“It was not for the Tribunal to determine the validity or otherwise of the Respondent’s criticisms but the Tribunal observe that the facts which seem to lie behind allegations ... as asserted by the Respondent ...”

The Appeals Tribunal Decision APE 0441 (2009) at [7] states:

“In relation to the Appellant’s ground of appeal that he did not show disrespect, the Appeals Tribunal consider that the approach adopted both by the Investigating Officer and by the Standards Committee was flawed. They have considered simply whether or not the word ‘liar’ ‘went beyond political expression, was rude and offensive and amounted to an expression of anger and personal abuse.’ They do not appear to have considered whether or not the Appellant was justified in using the word on the basis that it might be true. In fact, they specifically determined that such possibility did not concern them.”

At [8] it states:

“There are aspects of the evidence which suggest that the Appellant might have been justified ...”

At [14] it states:

“These were all matters which should have been taken into account by the Standards Committee in assessing whether or not the use of the words ‘liars’ was disrespectful. ... it was not open to the Standards Committee to ignore them given their clear relevance to the Appellant’s words ... The Committee should have assessed whether or not the untruths could properly be described as lies by exploring whether or not they were deliberate or negligent falsehoods. If they were, the description ‘liars’ would have been apt and justifiable, albeit unpleasant.”

In other words, the investigator should have considered whether I was justified in what I said without purporting to have the power, or that the standards committee has the power, to make a formal determination. The investigation can “observe” the facts and let them allow a logical analysis of whether I was justified in what I said.

The investigator’s approach is illogical and designed to find a breach of the code by pretending that the investigation is not supposed to find the truth as if the truth is irrelevant.

The court of public opinion would regard this nonsense as a corrupt approach to any serious investigation.

7.2.2 The circumstances in that case were different to the circumstances that the investigator is supposed to be considering. My point about Ian Taylor’s incompetence and misleading claims about his ability to obtain grants has never been formally raised to any council meeting or event before, largely because Ian Taylor resigned off the council before I could do so. I did not have the relevant evidence until later. The project only succeeded in obtaining grants when they were actually applied for properly – this only happened after Ian Taylor left the council and not before.

7.2.3 It was not relevant to make a finding on whether the councillor’s words were true in that case because of the particular circumstances in that case. In essence, he had launched a very personal attack on the integrity of the mayor-elect at the annual town council meeting just at the point where she was the focus of the meeting and about to be elected mayor and what he said was patently not

justified as he accused her of being a “proven liar” when in fact this point had never been proven.

My circumstances were different. I have not claimed that Ian Taylor has been “proven” to be anything and I never said anything when the event itself was focussed on him. For example, the Laverton Re-opening event was not about Ian Taylor and he was not mentioned by name. Also, Ian Taylor had never previously disputed the point that I had raised with him at various times that he was failing to achieve grants or was a fraud etc. I always thought his lack of response was an avoidance of an admission of the truth.

7.2.4.1 I contend that the investigator is simply talking nonsense because he has failed to analyse and compare the circumstances properly and because he is trying his best to find breaches of the code of conduct.

7.3.1 I agree that the fact that Westbury Town Council failed to obtain a grant when Ian Taylor was involved does not by itself prove that Ian Taylor was at fault. This is simply a matter of straightforward logic. The investigator’s attempt to legitimise this entirely obvious point, as if it needs to be legitimised, by referring to a tribunal case where a similar obvious point was made illustrates the weird nature of his analysis.

The only reason the investigator makes this point is because he failed to investigate the issues properly. He would have found out more if he had actually asked me the relevant questions or shown me / told me what he was thinking and given me an opportunity to explain everything.

7.7 The investigator has failed to show adequate reasoning to explain his conclusion.

In any event, nothing in my posts on Westbury Town Forums was disrespectful under the code of conduct as it was all true. Anyway, it is protected by Article 10 of the European Convention on Human Rights (Freedom of Expression) because it was all about local politics.

7.13.4 My comments were true and justified. My comments at the Laverton Re-opening Event were a matter of public interest as well. My comments on the chat forum were simply replies to points raised by others and, again, were true and justified. My comments in emails were all justified as well. This will become clear later when we consider the meaning of relevant words properly.

Therefore, my political comments are protected by freedom of speech. This whole saga revolves around local politics and me telling the truth. Ian Taylor and the investigator are avoiding the truth. The investigator has not grasped what the relevant issues are. His report is riddled with deep flaws from top to bottom. He has even claimed that the truth is not relevant!

7.14.1 My speech praised numerous people before dealing with the point that two un-named people caused problems and tried to stop the project or actually did ruin the project until it was put back on its tracks by John Parker.

7.14.2 This is irrelevant. My speech was simply stating facts and I was entitled to criticise. Even in a council debate, Ian Taylor, as a non-councillor, would have had no right of reply as members of

the public cannot take part in debates. Members of the public can only speak in a public forum and Ian Taylor did so at the next opportunity at the full council meeting less than three weeks later and he had a letter criticising me in a misleading way printed in White Horse News.

7.14.2 (mis-typed as 7.13.2) The investigator is pursuing further the idea that criticism can only be made within a debate. This is ludicrous nonsense. By resigning from the council, Ian Taylor does not prevent criticism of his actions as a councillor in situations where it is relevant to raise the issue as a matter of public interest in setting straight how something went wrong or got seriously delayed. The SBE guidance distinguishes between personal abuse and criticism of actions. My contentious comments at the Laverton Re-Opening event were all about Ian Taylor's actions. There was no personal abuse. The investigator is mixing the two up.

7.14.3 My speech contained perfectly reasonable and truthful criticism of the actions of two people. There was no "personal attack". Ian Taylor replied in several ways soon after, so the whole issue of the "right of reply" is misleading. The event was my first opportunity to publicly explain the truth of the matter at a council event. The event was about the project, which had started years before. Just because several years have gone by, the earlier years of the project are no less relevant.

It seems that the investigator is trying to draw a parallel with the tribunal case APE 0427 where the councillor brought up old issues, which had been previously investigated, and called the mayor-elect a proven liar just as she was being appointed mayor. The Laverton re-opening event was not about Ian Taylor, the project is still underway (John Parker is still applying for grants to help us make more progress) and these issues have not been investigated before. My speech did not contain personal abuse or claims about lying.

7.14.4 This whole saga started with my Laverton speech, so any pattern of behaviour that the investigator is referring to (within the confines of this investigation) is simply me responding to Ian Taylor's false claims (ie. untrue denials) about what I said at the Laverton event. In reality, everything I've said is true, correct, justified and I was entitled to say it.

7.15.1 My posts do not have any "header". The phrase "*I may disagree with your views but I am NOT attacking YOU*" belongs to another member of the forum, Mike Hawkins.

The investigator is trying to say that I claim not to attack people yet I did attack Ian Taylor. But, his argument is wrong because I do not have a header saying what the investigator alleges.

What I said about Ian Taylor was true and correct.

7.15.2 My criticism of Ian Taylor was relevant in the context of an ongoing project. Whilst specific events took place years ago, they are still relevant in the context of a project that is still discussed in public. My views may not be "proven" but they are true and justified and I have now obtained the relevant evidence to show that my criticism of Ian Taylor is well-founded.

7.15.4 I contend that the investigator has engaged in a pattern of behaviour that involves him in repeatedly failing to understand that he should be establishing what the truth is before attempting to

analyse whether a breach of the code of conduct occurred.

There is no breach of the code in what I posted online in the forum anyway as what I said was true and I was not acting as a representative for the council (I was not appointed to act as one) and I have made clear via my “footer” that I am not acting as a councillor. As I have said before, I was replying to other comments raised in a thread that I did not start.

The First-Tier Tribunal Decision LGS/2011/0537 at [23] states:

“... Even where [the councillor] is writing about the Council he is [not] necessarily acting in his official capacity in so doing. The particular circumstances need to be carefully followed.”*

* I explained in my comment about paragraph 6.11.9 of the report that the word “not” should be read into the sentence.

In my case, I was replying in a chat forum to someone else’s questions and I was not saying that I was replying as a councillor. Contrary to case 0537, I was not posting a “report” in my own political blog. If I had put a post in my own blog (where I am clearly identified as a councillor and it is clear that the blog is about my activities and views as a councillor), where I have no footer saying I am there in a private capacity, I would agree that I was acting in my official capacity.

The First-Tier Tribunal Decision LGS/2011/0537 at [29] states:

“On 13 May, the day after the Town Council’s Annual Meeting, the Respondent had written his own detailed account of the meeting. The Tribunal sees that as being action undertaken in his official capacity – he was using his blog to communicate, as a councillor, with the electorate in the Parish. The blog of 14 May can be seen as an extension of that process and does of course begin with the publication of a letter he had received in his official capacity. The Tribunal takes the view that these actions of the Respondent do lie within the scope of the Code of Conduct.”

In this case, the councillor was using his own political blog. In the second post referred to above, he has started his post by referring to something that he dealt with in his official capacity. My responses to questions by others were about issues that occurred in my official capacity, but I did not raise the issues on the forum and did not start the dialogue.

7.17.1 My email was sent in response to issues raised as a result of (ie. after) the false claims made by Ian Taylor that I had defamed him and should withdraw and apologise for what I had said.

My words can be justified. In any event, this was an email, not a public meeting or event, and is simply a private discussion between me and 2 council officers.

7.17.6 We will look at the relevant evidence later. I will show that what I said was true.

7.17.7.1 The investigator is still engaging in his own pattern of behaviour that results from not establishing what the truth was in the first place.

7.18.3 I have not bothered to reply to every lie made by John Clegg and Ian Taylor as I have been busy with other matters and no-one has asked me to do so anyway.

7.18.4 This is simply a statement of fact. My evidence will show that what I said was well founded.

7.18.5 The Oxford Dictionary of English (3rd Edition – 2010) provides authoritative definitions, as follows:

Fraud

noun

- wrongful or criminal deception intended to result in financial or personal gain
- a person or thing intended to deceive others, typically by unjustifiably claiming or being credited with accomplishments or qualities: *mediums being exposed as tricksters and frauds.*

Fraudster

Noun

- a person who commits fraud, especially in business dealings.

The Concise Oxford Dictionary (9th edition), 1995, provides similar but slightly different meanings as follows:

Fraud

n

- 1 criminal deception; the use of false representations to gain an unjust advantage.
- 2 a dishonest article or trick.
- 3 a person or thing not fulfilling what is claimed or expected of, her, or it.

Fraudster

n

a person who commits fraud, esp. in business dealings.

It was clear from the circumstances at the time that when I wrote the word “fraudster” I did not mean criminal deception. I meant the third main meaning of the word as described in my own dictionary (The Concise Oxford Dictionary) – ie. that Ian Taylor had unjustifiably claimed to have accomplishments or qualities that were crucial to an important project that involved large sums of public money.

Ian Taylor totally misled the Laverton Management committee when he claimed to have the all round skills needed to obtain grants. He was a fraud on this particular issue. I can prove it. Whether others are prepared to say the unpalatable truth is neither here nor there.

It is clear from the comments made by former councillors Mike Hawkins and Charlie Finbow that Ian Taylor did misrepresent his abilities in order to be appointed to the LITMC as if he had the expertise needed when he did not. It is clear that he completely failed to obtain grants.

Although the first dictionary mentioned above does not mention exactly the same definition of “fraud” as the second dictionary, there is plenty of evidence available in form of well known films that contain the phrase “I am such a fraud” when someone realises that they have failed to fulfil what they said they would do.

You should ignore Ian Taylor’s claims to have moved the project forward as this is simply his attempt to muddle up the issues and pull wool over everyone’s eyes. When he was chairman of the LITMC during 2007-9, the project did make some forward progress, but this was due to John Parker’s work as a consultant.

The issue at stake here, and which was highlighted in my Laverton re-Opening speech, was that Ian Taylor ruined progress with the project when he joined the LITMC in 2006. It is not about whether he happened to be chair later when the project was put back on its tracks by John Parker, not least because I explained in my speech that John Parker was brought in for this purpose.

7.18.6 I did not say that Ian Taylor had done anything for personal gain. This idea comes from the way the investigator is using the wrong meaning of the word “fraud” or “fraudster”.

7.13.3 My comments above about paragraph 4.7 in the report explain that the guidance issued by Standards for England on the meaning of bullying is wrong. There is no evidence that Ian Taylor was intimidated by me or over-awed. He was simply upset that I had told the awful truth about him – the truth that I was entitled to say about a political project with a clear public interest in who caused delays and ruined progress with the project.

I contend that the investigator is repeatedly making the same mistakes.

Findings

8.1 Yes, but not on the Westbury Town Forum.

8.2 My comments were perfectly true, reasonable and justified. The investigator has avoided the truth and is biased. It is incredible that the investigator has not only avoided the truth but has tried to justify this by claiming it is not relevant. What type of investigator or investigation is this?

8.3 The guidance is wrong, as explained earlier.

In essence, I did not breach the code at any point. The report is largely nonsense.

It may be sensible to re-open the investigation so that more light can be shed on the relevant issues.

Alternatively, I would be happy with a decision to drop the allegations on the basis that the complainant has fundamentally lied in his complaint because what I've said is fundamentally true.

Appendix A

Schedule of Findings of Fact

15. I was critical of Ian Taylor's actions but I did not attack him personally. I did not refer to him by name.

19. This is untrue. The investigator is mistaken.

22. I answered questions. I did not make a "report" in the manner implied.

23. My footer made clear that I was acting in my private capacity.

56. I was not present at that meeting. The "Notes" (not "Minutes") confirm this. I did not agree with the allocation of work and the bit allocated to me was not about applying for grants (which was reserved to Ian Taylor).

57. This is irrelevant as he never made a HLF application at all. He simply discussed the idea with a HLF officer over the phone and demonstrated his incompetence as well. My evidence will explain all this.

Appendix A2

The reason for the Sub-Committee's decision to refer the matter for investigation appears to be based on the false idea that "there was sufficient evidence to demonstrate that the complaint, if proven, was capable of giving rise to a breach ...". But there was absolutely no evidence at all before the sub-committee. All there was to look at was the complainant's allegations on his complaint form. Allegations are not evidence.

This whole investigation is based on pure nonsense in the first place!

Appendix A7 and A8

The notes of the meeting on 17 October 2011 show that the LITMC agreed to become a standing committee. This meant that this would be a recommendation to be put to the next full town council meeting. Soon after, the clerk as me (as the new chairman appointed at that meeting) what wording

to use in the recommendation to put as a Notice of Motion item on the Agenda of the next full council meeting.

Just before the meeting on 20 October, Barbara (the clerk's assistant) rang me to ask what to put on the Agenda. I replied that there was only one item to discuss, which was the wording of the recommendation to put to full council. I left it to Barbara to word the item, which she simplified to "Discussion on the LITMC becoming a full standing committee for recommendation to Town Council". In fact, this exact point had already been settled at the previous LITMC meeting. The real business of the 20 October meeting was to set the exact wording of what we had already agreed to do.

The point is that the motion which appeared at the following town council meeting was not my personal motion. It was a motion agreed by the LITMC and I simply moved it in my role as chairman of the LITMC at the next full council meeting.

Appendix C2

Witness Statement from Cllr Andrews

His third paragraph is about a time when he was not involved with the LITMC. Cllr Andrews has not been involved in any discussions about previous delays or the problems that Ian Taylor caused because I did not go around raising the issue outside of the LITMC at the time when Ian Taylor was involved.

His fourth paragraph is about the motion for the LITMC to become a full standing committee. I did move the motion in my role as chairman of the group. The motion was from the LITMC as a whole, not from me personally.

His third paragraph on the second page suggests that all of my speech was about attacking people. This is not true. My speech started with praise for numerous people and their role in the project, including the point that John Parker had joined as project manager and put the project back on its tracks after it had been derailed.

His following paragraph says that he did not need to revive a corpse. But the revival had already occurred before he joined the LITMC when John Parker became involved. Cllr Andrews' comments are misleading. John Parker had done the work needed to revive the project.

His final paragraph on the same page suggest that I had made "consistent and sustained attacks Ian Taylor during the previous 2 years. There is no evidence to support this claim at all.

Ian Taylor was not personally responsible for commissioning the Project Plan. He had no option but to agree to what the whole LITMC wanted after reading John Parker's recommendations. John did the work.

The same comment applies to the ending of the snooker club's tenancy, although the clerk and a solicitor did the work.

The comment about Ian reducing overheads relates to the need to cut our losses as a result of the refurbishment project being stalled by a lack of progress in obtaining grants. The cutting of overheads is not related to the refurbishment project. It relates to the ongoing management of the

building, which is a separate matter. In any event, the claimed increase in income arose principally from Wiltshire County Council using the hall for the Westbury Bypass Public Inquiry and was not attributable to Ian Taylor.

Appendix F1

Agenda of Town Council Meeting on 7 November 2011

Item 10 clearly shows that the motion was received from the LITMC rather than any one councillor.

Appendix F3

Ian Taylor makes clear that he “managed the Laverton HLF and BLF bids in 2006 and 2007”.

So, it’s clear he was responsible. But, in fact, he never made or submitted any proper application for a HLF grant at all. His telephone conversation with a HLF officer was not an application. It was not even a proper pre-application.

Appendix F4

See the attached Reply to Ian Taylor from the HLF dated January 2007, which is missing from the report.

If Ian Taylor had known what he was doing at all, he would not have attempted to submit a pre-application as we had already submitted one.

See the attached Letter from HLF dated 3 Sept 2004. This clearly acknowledges the pre-application that was made in 2004.

I submit that Ian Taylor did not submit a proper pre-application form and / or that if he did, he should not have done as it was unnecessary and he did not appreciate what needed to be said to show to HLF that the project would be aimed at meeting the HLF grant criteria. The fact that the reply from HLF to Ian Taylor is confused about whether the project would qualify for HLF grants and does not refer to any proper pre-application anyway, shows that Ian Taylor did not communicate anything worthwhile to HLF.

See the email between me and John Parker labelled “Private and Confidential. John Parker is making it clear that the project would have qualified for HLF grants of the project at been approached in the correct way.

The reason I did not play any part in the grant applications after September 2006 is because I refused to support the utter nonsense that Ian Taylor was undertaking. Everything he said about grants was wrong. The proof that he did not know what he was doing is in the fact that no grants were achieved when Ian Taylor had the opportunity to apply or any grant.

On page 125 of the report, Ian Taylor claims to have made much progress by November 2009. This was due to John Parker's work.

The point is that my Laverton Re-opening Event speech made clear that someone ruined the project by failing to get grants when we needed them, thus leading to a delay and the closure of the hall to the public for normal hirings. I did not say that Ian Taylor or anyone else had ruined the project for ever. I went on to say that John Parker put the project back on track. By this time, Ian Taylor was not leading the project. John Parker was.

Appendix G1 and G2

The whole letter from Ian Taylor is a smear based on false and misleading claims. It is a "pack of lies". Fact.

MY NEW EVIDENCE AND MY CONCLUSIONS

Please see the 3 email dialogues between myself and:

- 1) John Parker (Project Consultant) – expert witness
- 2) Mike Hawkins
- 3) Charlie Finbow

Mike Hawkins and Charlie Finbow make clear that Ian Taylor claimed to have the all round skills needed to be appointed by LITMC in late 2006 to co-ordinate grant applications.

John Parker makes clear that HLF grants – or other grants – could have been achieved if the project had been managed in the right way. In fact, this point is proved by the fact that John Parker did successfully obtain grants when he dealt with the necessary work and led the project.

It is clear that no grants were achieved whilst Ian Taylor was in charge of obtaining grants. There is no other logical conclusion. He did claim to be the right person, as if he had the right skills and experience, but in fact he made a series of errors and misled the LITMC on what needed to be done to achieve grants. What I said at the Laverton Re-Opening event was true and I was entitled to say it. There is no clear evidence that I was not entitled to say it.

Ian Taylor is in denial and is trying to misdirect everyone on what happened by saying that as the project eventually succeeded, that he did not permanently do any harm. But, I never said he did any permanent harm. My speech made clear that after someone failed (I mentioned no names), that the project was put back on its tracks by our Project Consultant, John Parker.

If everything I've written is seen in its correct context, as a response to questions or issues raised as a result of Ian Taylor's false denials of the truth in the first place last year, it will be appreciated that, in fact, it's me who has been improperly accused of saying falsehoods and who has been repeatedly attacked by Ian Taylor and others on a false and misleading basis.

If this matter goes to a hearing, I will publicise, regardless of the outcome, both on-line and in any co-operative local / national newspaper and via my own local leaflet circulation the following:

- a) the strongly unfair and corrupt nature of the investigation;
- b) the fact that what I have said about Ian Taylor is wholly true;
- c) the fact that the discredited old code of conduct system has been closed down;
- d) the fact that Ian Taylor caused the town council to have to pay large sums for a lift when a grant could have been obtained for this, and I have the proof of this fact;
- e) the fact that Ian Taylor has made a string of false claims in his complaint;
- f) the fact that Ian Taylor is a fraud in this matter and has gone on to establish himself as a serial liar and worse fraud by falsely denying the truth.

I am entitled to tell the truth. The truth deserves to be told. Political statements about the truth about political issues are protected by Article 10 of the European Convention on Human Rights (Freedom of Expression).

Yours faithfully

Russell Hawker
Westbury Town Councillor

From: [Russell Hawker](#)
To: ["John Parker"](#)
Subject: FW: Private and Confidential
Importance: High

Hi John

Thank you very much indeed for such a thorough response.

I will send this email string, exactly as seen below to the monitoring officer shortly.

Many thanks
Best regards

Russell

From: John Parker [mailto: [REDACTED]]
Sent: 29 September 2012 13:05
To: russell.hawker@[REDACTED]
Subject: Re: Private and Confidential

Russell,

See below. I'm happy that my responses are accurate.

Kind regards,

John Parker

From: Russell Hawker [mailto:russell.hawker@[REDACTED]t]
Sent: 29 September 2012 10:48
To: 'John Parker'
Subject: Private and Confidential
Importance: High

To:
John Parker
Project Consultant

Dear John

As discussed recently, I am being investigated by a Wiltshire Council standards investigator on behalf of the monitoring officer in relation to an allegation of a breach of the code of conduct made by former town councillor Ian Taylor.

It would be helpful if you would please answer some questions (see below) by replying to this email so that I can forward the information to the monitoring officer to help him understand the relevant circumstances that occurred at certain times in relation to the Laverton Refurbishment Project whilst Ian Taylor was involved.

Please put your answers in blue text below my questions.
Please answer the following questions as best you can:

1. What has been and is your role with the Laverton Refurbishment Project (stating dates when you started and / or finished)?

I have been employed as a specialist Consultant by Westbury Town Council since 2006/7.

I started to assume responsibility for the Laverton Project in January 2008.
I was commissioned to pick up and review past fund raising efforts and explore ways and means of taking the project forward following a period of inactivity.

2. What prior experience do you have of running or advising on similar projects?

I have 26 years of Consultancy experience, including specific expertise in the Museums sector at National level, education, publishing, heritage, fund raising and Project Management.

3. Which councils have you or do you provide project management consultancy services to?

I have worked with Wiltshire County Council, Wiltshire Council, WWDC, Trowbridge TC, TCAF, Warminster TC & Westbury TC.

4. Do you have particular experience in applying for grants to improve and renovate civic / community buildings including those with particular heritage merits?

Yes

5. Do you agree that the letter from HLF dated 3rd July 2004 represents a successful reply to a normal HLF preliminary application which is encouraging The Laverton Institute (ie. its trustee, Westbury Town Council) to proceed to submit a full application for HLF funding and to make sure that the application covers all the necessary heritage details (also called a "heritage plan" at the time)?

Yes - the letter represents an encouraging response at that particular time.

6. Are you familiar with the September 2006 Business Plan that was adopted by WTC?

Yes.

7. After adopting the 2006 business plan, and given the reductions in funding availability that HLF were anticipating would occur from late 2007 onwards (which they were indicating widely to all by late 2006) would it have been important to proceed without delay toward an HLF application to maximise the chance of obtaining a significant HLF grant towards the project.

HLF would later go through a change in its remit/funding etc in late 2007 / early 2008, so it would have been important in late 2006 to proceed with preparing a suitable application without delay.

8. Would the HLF funding criteria have been the same throughout 2006 - 2008? When did the criteria change?

I re-established in-depth contact with the HLF Regional Office (Exeter) in Feb 2008 - the circumstances governing their operations/funds etc had just changed. The key criteria for projects remained the same but funding available for major projects had become very restrictive - at this time Lottery backed funding was starting to be diverted towards the 2012 Olympics

9. When you were first brought in to consider the correct way forward for the project in 2008, what did you say in relation to possible HLF funding?

My initial report to the LITMC (issued May 08) clearly presented options to consider to take the Laverton Project forward which include still looking at a major HLF bid but with less chance of success as circumstances had changed by then.

10. If the project had proceeded towards submitting a full HLF grant application by mid 2007 and if we had packaged up the right elements of the overall project that would have been relevant to the HLF

criteria, would you have expected us to succeed in obtaining a substantial HLF grant, assuming the project was set up in a professional way as a result of using professional quality advice?

Yes - if not all, at least a good level of support. Of course, it would have been essential to ensure that the proposed project, as presented to HLF in the application, fully met the HLF criteria.

11. Would it have been sensible to select the right parts of the project for presenting to the HLF and asking further advice rather than just asking them if they would fund the whole project (as actually happened in Dec 2006/Jan 2007).?

Most definitely yes.

Its worth noting at this point that major projects of a similar profile/circumstances have been successful, even in more recent times (Bridport Town Council - Bridport Town Hall). In this case a project specialist and community team (including BTC) ran a sophisticated/coordinated/well researched bid including robust local consultation. The eventual project was funded mostly by HLF.

12. Given that LITMC had already submitted a preliminary application to HLF and received the letter dated 3 September 2004, what would you think would have been the next logical step for obtaining HLF grants for LITMC?

I would have suggested - establishing a practical working group (LITMC, Experts, Potential Partner Orgs etc) to explore how the Proposal could be worked up to meet the HLF criteria/advice.

13. The last paragraph of page 2 of the letter from HLF makes clear that Disability Discrimination Act ("DDA") compliance works could not be included in a HLF funded project if they must be done anyway to achieve DDA compliance. The letter goes on to say that works that go beyond reasonable DDA adjustments could be considered for HLF grant funding. As you know, LITMC had received a DDA report that made clear that DDA compliance could be achieved with signs and a powered chair using the rear access ramp but the proposed project, as explained at the beginning of Section 3.3 (Condition of the Building) of the 2006 business plan, would include a platform lift to enhance accessibility to the first floor hall, bar and kitchen facilities etc, which would have enhanced accessibility to the heritage merits of the building for the purposes of a HLF project. Do you agree that the project stood a good chance of including the lift in the HLF grant as part of a wider project that enhanced accessibility to the heritage in the building on the basis that the lift was intended to take the building beyond simply essential DDA compliance?

Our eventual solution was to include the lift as part of the Phase 1 works (funded through a Public Works Loan Board loan) but given that a lift was vital to developing the building for community use beyond pure DDA compliance, I would have thought it worth including this in a HLF major bid, even if perhaps other funding was eventually sourced to run alongside the project.

14. The 2006 business plan had several aims (page 2), one of which was to facilitate discussions with grant funders. Given that the 2006 business plan was mainly written for internal council purposes and was not specifically tailored for submission with a HLF grant application, would it have been wise to send the business plan as written off to HLF asking if they were still interested in our project (and not properly explaining that our intended lift would be additional to essential DDA compliance)?

Not really - its a good basic plan and has proved very useful to my work but perhaps it would have made more sense to include it either in its entirety or in segments as an annexe to a structured enquiry that related more to the HLF guidance criteria.

15. Ignoring the Heritage Lottery Fund and the Big Lottery Fund, is it reasonable to say that there were and are plenty of alternative sources of funding for the project that could have been applied for and successfully obtained throughout 2007- 2008?

Yes, but the HLF was an obvious key source to try first at the time because it had funding available and the Laverton refurbishment project could have been adapted to qualify against the then HLF

criteria.

Thank you for your help.

Regards

Russell

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From: [Russell Hawker](#)
To: [REDACTED]
Subject: FW: Private and Confidential

Hi Mike

Thanks for your response.

I noticed that you have used a pale blue colour to put your replies against my questions. Although you put your answers in an attached Word document, I have reproduced the exact contents of your Word document to the email string below as this is easier for me to present to the Monitoring Officer. I am copying this back to you so that you can see for yourself that I have not changed anything you said.

Regards

Russell

From: Hawkeridge@aol.com [mailto:H [REDACTED]]
Sent: 24 September 2012 21:32
To: russell.hawker@[REDACTED]
Subject: Re: Private and Confidential

Russell,

Please find attached:

I hope this is OK.

PS: Am about to retire for the night as I have another early start in the morning!!

Mike

From: Russell Hawker [mailto:russell.hawker@[REDACTED]]
Sent: 23 September 2012 20:47
To: [REDACTED]
Subject: Private and Confidential

To:
Michael Hawkins

Dear Mike

As discussed recently, I am being investigated by a County Hall standards investigator on behalf of the monitoring officer in relation to an allegation of a breach of the code of conduct made by former town councillor Ian Taylor.

It would be helpful if you would please answer some question by replying to this email so that I can forward the information to the monitoring officer to help him understand the relevant circumstances that occurred at certain times in relation to the Laverton Refurbishment Project whilst Ian Taylor was involved.

Please answer the following questions as best you can:

1. When were you first elected to Westbury Town Council and which party were you a member of at the time?

[I was first elected to Westbury Town Council in May 2003 as a Conservative member.](#)

2. When were you re-elected to Westbury Town Council and which party were you a member of at the time?

I was re-elected in 2007 as a Conservative member

2a. When did you resign off the town council?

I resigned as a Councillor in April 2012

3. When were you the Mayor (with start and finish dates)?

I was town Mayor from May 2005 until May 2006 & from May 2008 until May 2009

4. When did you join the Laverton Management working group (aka "LITMC") and when did you leave?

To my recollection I served as a member of the LITMC from 2004 until 2011.

5. Were you involved on the LITMC during the period when Ian Taylor was involved between September 2006 and March 2009?

Yes

6. Do you recall the full town council meeting on 4th September 2006 when the Laverton Business Plan was adopted and what was unusual about the way that the councillors voted (ie. for or against)?

I do recall that meeting. The Business Plan was adopted unanimously.

7. Do you recall a meeting of LITMC that occurred by the end of September 2006 when Ian Taylor was presented to the group as a new neighbour of the Mayor (Cllr Pam Cox-Maidment) and did you attend that meeting?

I was present at the meeting when Ian Taylor was presented to the Group.

8. What did Ian Taylor say at the above mentioned first LITMC meeting with him about his ability to run all kinds of projects and, in particular, what did he say about his skills and ability to research and obtain grants that were needed to progress the refurbishment project?

I recall Ian Taylor giving a resume of his business experience, and his belief in his ability to obtain grants that may have been available.

9. Did he specifically say that he had the all round ability to apply for and obtain grants that the building qualified for and if they were available he could do the job of applying for and obtaining them for the project?

Yes.

10. Do you recall a LITMC meeting that both you and I attended in December 2006 or January 2007 when Ian Taylor announced that he had concluded his research on the Heritage Lottery Grant scheme and he told everyone that the project would not qualify for the HLF grant at all and that the business plan was fundamentally wrong and that we should be pursuing a Big Lottery Grant application instead? What did he say?

I recall this meeting. Ian stated (although now I cannot honestly recall his exact words) that he had been in discussions with the Lottery funding people and that they had stated that the LITMC would not qualify for a Heritage Lottery Grant, and that we should apply for a Big Lottery Grant. He also stated that our Business Plan was unacceptable for this!

11. As a result, what did the LITMC group vote to do?

To the best of my recollection, the committee agreed to pursue a grant through the Big Lottery Fund, (as advised by Ian) and to do whatever Ian said we should prepare in the way of documentation.

12. What did I say about his assertion that we should drop the HLF application and go for a Big Lottery Grant application?

You forcefully disagreed with his assertions, and re-asserted your belief that the Lottery Heritage Fund was the correct route to follow!

13. Is it true to say that the LITMC were very keen to obtain grants and that Ian Taylor had taken charge of grant applications by the end of 2006?

Yes. The LITMC recognised that grants were essential to move forward! Ian had certainly taken charge of grant applications.

14. Is it fair to say that I disagreed with all or most aspects of Ian Taylor's approach to applying for grants and that I refrained from being involved in this aspect of the project?

Yes.

15. Did Ian Taylor obtain any grants at all in any way?

I recollect no grants being obtained by Ian Taylor!

16. Did the process of obtaining grants make any positive forward movement during Ian Taylor's involvement in the project between September 2006 and March 2009? If so, how?

I have no recollection of any positive movement on grants during Ian's involvement in the project.

17. What were the consequences to for the project as a result of the failure to obtain grants?

The project stalled!

18. Do you feel that Ian Taylor failed to show that he was able to obtain grants?

Yes!

18a. How important to the project and the council was it that the person handling grant applications knew what they were doing and had the competence to apply for the right grants in the right way at the right time and were able to accomplish the task competently?

It was essential that any person handling grant applications was experienced in this work, and was completely aware of possible grant sources!

18b. Did LITMC members and / or the council believe that Ian Taylor was appointed to handle grant applications whilst he was involved as project co-ordinator (between October 2006 - May 2007) and then that he was leading the process whilst he was LITMC chair (between May 2007 - March 2009)?

I think that Ian Taylor believed he was the only member of the LITMC capable of obtaining grants, and that he was charged with this responsibility solely. This was not a view that I shared. However, due to my own inexperience in applying for grants, I was unable to determine at this time that his own experience and capabilities were also not as originally indicated. I have NO recollection that Ian was given sole responsibility through a vote of the LITMC or the Council.

19. Given that the project manager, John Parker, appointed in 2009 to lead the project and obtain grants had immediate success in obtaining a variety of grants during a recession when grants were in less supply and given that Ian Taylor had ample opportunity to apply for any grant he chose during 2006 - 2008 (before the recession when grants were abundantly available), do you feel that Ian Taylor failed to provide the skills and result in obtaining grants that he had claimed he would provide back in September 2006 when he first told the LITMC what he could do if appointed to help the LITMC?

Yes.

20. Did Ian Taylor misrepresent his abilities to obtain grants to the LITMC when he joined the LITMC? If so, why?

Ian Taylors' abilities were mis-represented. How much of this was deliberate and how much a mistaken belief in his own capabilities was, I cannot say. I do know however, that the original promises were not kept.

21. Would you find it odd that the town council now has no records of any LITMC meetings from May 2006 until May 2007? How many LITMC meetings do you think occurred during this period?

I find this strange. As regards the number of meetings – they were held, to my recollection, every two months unless a specific issues arose requiring an interim meeting. I would therefore suggest that at least 6 meetings would have been held during this period.

I look forward to your reply ASAP, please.

Regards

Russell

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From: [Russell Hawker](#)
To: ["Charlie finbow"](#)
Subject: RE: Private and Confidential

Hi Charlie

Many thanks for your response.

I will send this all to the Monitoring Officer exactly as it is laid out below. He may contact you just to verify everything.

Regards
Russell

From: Charlie finbow [mailto:[d\[REDACTED\]](#)]
Sent: 28 September 2012 20:21
To: russell hawker
Subject: RE: Private and Confidential

Russell

See my replies in blue below the questions.

Kind regards
Charlie

From: russell.hawker@t[REDACTED]
To: [REDACTED]
Subject: Private and Confidential
Date: Fri, 28 Sep 2012 17:31:20 +0100

To:
Charles Finbow

Dear Charlie

As discussed recently, I am being investigated by a County Hall standards investigator on behalf of the monitoring officer in relation to an allegation of a breach of the code of conduct made by former town councillor Ian Taylor.

It would be helpful if you would please answer some question by replying to this email so that I can forward the information to the monitoring officer to help him understand the relevant circumstances that occurred at certain times in relation to the Laverton Refurbishment Project whilst Ian Taylor was involved.

Please put you answers in blue text below my questions.

Please answer the following questions as best you can:

1. When were you first elected to Westbury Town Council and which party were you a member of at the time?

2003 Conservative

2. When were you re-elected to Westbury Town Council and which party were you a member of at the time?

2007 Conservative

2a. When did you resign off the town council?

2010

3. When were you the Mayor (with start and finish dates)?

May 2007 - May 2008

4. When did you join the Laverton Management working group (aka "LITMC") and when did you leave?

Cant remember but Gordon King was chair and Stephen Andrews was chair when I left the committee

5. Were you involved on the LITMC during the period when Ian Taylor was involved between September 2006 and March 2009?

Yes

6. Do you recall the full town council meeting on 4th September 2006 when the Laverton Business Plan was adopted and what was unusual about the way that the councillors voted (ie. for or against)?

Yes. It was unanimous

7. Do you recall a meeting of LITMC that occurred by the end of September 2006 when Ian Taylor was presented to the group as a new neighbour of the Mayor (Cllr Pam Cox-Maidment) and did you attend that meeting?

Yes

8. What did Ian Taylor say at the above mentioned first LITMC meeting with him about his ability to run all kinds of projects and, in particular, what did he say about his skills and ability to research and obtain grants that were needed to progress the refurbishment project?

He convinced the committee, apart from you, that he was the man for the job.

9. Did he specifically say that he had the all round ability to apply for and obtain grants that the building qualified for and if they were available he could do the job of applying for and obtaining them for the project?

Yes

10. Do you recall a LITMC meeting that both you and I attended in December 2006 or January 2007 when Ian Taylor announced that he had concluded his research on the Heritage Lottery Grant scheme and he told everyone that the project would not qualify for the HLF grant at all and that the business plan was fundamentally wrong and that we should be pursuing a Big Lottery Grant application instead? What did he say?

He had spoken personally to HLF and told us he was advised to apply for BLF Funding

11. As a result, what did the LITMC group vote to do?

Go with the Big Lottery Fund. You objected.

12. What did I say about his assertion that we should drop the HLF application and go for a Big Lottery Grant application?

That Ian Taylors advice was all wrong and rubbish as HLF had confirmed in writing that the project would be suitable for them if we apply in the right way.

13. Is it true to say that the LITMC were very keen to obtain grants and that Ian Taylor had taken charge of grant applications by the end of 2006?

Yes

14. Is it fair to say that I disagreed with all or most aspects of Ian Taylor's approach to applying for grants and that I refrained from being involved in this aspect of the project?

Yes

15. Did Ian Taylor obtain any grants at all in any way?

No.

16. Did the process of obtaining grants make any positive forward movement during Ian Taylor's involvement in the project between September 2006 and March 2009? If so, how?

No.

17. What were the consequences for the project as a result of the failure to obtain grants?

The project ground to a halt and was delayed until John Parker was appointed to lead the project and obtain grants. Also the hall manager was fired to cut costs and the hall was closed to the public for ad hoc lettings because the council had lost confidence in the project and was not prepared to carry the losses the hall was making due to the refurbishment not having yet happened. As a result, most of the preparation work done by the committee such as obtaining a schedule of works, tenders and quotes was wasted.

18. Do you feel that Ian Taylor failed to show that he was able to obtain grants?

He said he was the person we needed to obtain grants when he got involved and yet he didn't obtain any grants . So yes .

18a. How important to the project and the council was it that the person handling grant applications knew what they were doing and had the competence to apply for the right grants in the right way at the right time and were able to accomplish the task competently?

Imperative

18b. Did LITMC members and / or the council believe that Ian Taylor was appointed to handle grant applications whilst he was involved as project co-ordinator (between October 2006 - May 2007) and then that he was leading the process whilst he was LITMC chair (between May 2007 - March 2009)?

Yes

19. Given that the project manager, John Parker, appointed in 2009 to lead the project and obtain grants had immediate success in obtaining a variety of grants during a recession when grants were in less supply and given that Ian Taylor had ample opportunity to apply for any grant he chose during 2006 - 2008 (before the recession when grants were abundantly available), do you feel that Ian Taylor failed to provide the skills and result in obtaining grants that he had claimed he would provide back in September 2006 when he first told the LITMC what he could do if appointed to help the LITMC?

He failed to obtain any grants

20. Did Ian Taylor misrepresent his abilities to obtain grants to the LITMC when he joined the LITMC? If so, why?

I don't know if he misled but he failed to do what he said he would do, which was apply for and get the grants we needed.

21. Would you find it odd that the town council now has no records of any LITMC meetings from May 2006 until May 2007? How many LITMC meetings do you think occurred during this period?

Totally shocked . It seems to me astonishing . I cant think it was an error. Cant remember but a lot of meetings that's for sure.

I look forward to your reply ASAP, please.

Regards

Russell

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The Laverton Institute

a charitable trust registered with the Charity Commission
(Registered No. 270325)

Business Plan

for the management of

**The Laverton,
Westbury.**

*"Harnessing our Heritage,
Serving our Community"*

**ISSUE No. 2
September 2006**

1.1 Introduction

The Laverton is an important historic building in Westbury owned by a charitable trust called "The Laverton Institute". The trust is a Registered Charity.

The trust is commonly known as "The Laverton Institute Trust".

In December 2003, Westbury Town Council became sole Trustee of The Laverton Institute Trust. As Trustee, Westbury Town Council is now responsible for the management of the Trust and the building.

Westbury Town Council has appointed a 'Laverton Trust Management Committee' (LTMC), which is tasked with managing the Laverton Institute Trust. As the need arises, members of the public, especially from key Laverton user groups, will be invited to sit on the LTMC. Mr Ivan Clark, an expert in local history and heritage and chairman of Westbury Heritage Society, has been co-opted to LTMC since mid-2005 to help LTMC with the arduous task of preparing a Heritage Plan for the historic building.

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

This business plan is a living document which will continue to evolve as new challenges and opportunities arise. From time to time, the business plan will be updated and re-issued.

This second issue of the business plan is particularly intended to:

- a) explain the actual costs of running the building for the last two financial years;
- b) explain the LTMC's latest proposals for the future development and use of the building, and;
- c) facilitate detailed, advanced discussions with grant providers and / or any other funding sources.

It should be appreciated that this report contains numerous assumptions and outline proposals about the proposed refurbishment project. As more details are received on expected costs and revenues, the financial analyses will be revised.

The next issue of this report (No. 3) will contain more precise financial details, including any grants offered, prior to any major expenditure commitment by the town council, which will be subject to a final full town council final decision at the time.

2] _____ Legal Framework

2.1 The Laverton Institute Trust

The Laverton Institute Trust was established in 1886. The Trust owns the Freehold of the building and its site.

The Trust is a charity registered with the Charity Commission under the official name of "The Laverton Institute" (Registered Number 270325).

The objects of the charity are set out in the trust scheme dated 19 April 1977 as follows:

1. *'The object of the Charity shall be the provision and maintenance of a community centre for the use of the inhabitants of the Town of Westbury without distinction of political, religious or other opinions, including use for meetings, lectures and classes, and for other forms of recreation and leisure-time occupation, with the object of improving the conditions of life for the said inhabitants.'*
2. *'Subject as hereinafter provided the said land with the building shall be held upon trust for the purposes of a community centre.'*

Provision for the use of The Laverton as council offices is set out as follows:

'The Trustee may permit that part of the said land and buildings at the date of this Scheme used as council offices by the Westbury Town Council to continue to be used, subject to payment of a yearly sum sufficient to at least defray the expenses incidental to such use, but not so as substantially to interfere with its use for the object of the charity.'

The Trustee is responsible for ensuring that the Trust runs in a business-like manner and in accordance with its objects. One important duty of the Trustee is to ensure that the use of the building provides a benefit to the community in a realistically economic manner taking into account available financial resources.

Westbury Town Council, as a statutory body, is the sole Trustee. Individual town councillors are not themselves trustees. The Laverton Trust Management Committee (LTMC) is a Town Council working group. In effect, all major decisions are referred to and taken by full council. The LTMC cannot assume that the Town Council will always financially support the Trust if the Trust proves to be uneconomic.

The LTMC is proactively managing the way the building is maintained and occupied. This is to improve the economic viability of the charitable Trust as far as possible whilst fulfilling the objects of the Trust. This includes a proposed comprehensive refurbishment project in 2007/8.

2.2 Existing Tenancies

- a). Westbury Town Council occupies about one third of the ground floor on an informal Licence from The Laverton Institute Trust. The Council is currently paying to the Trust £10,000pa licence fees which are inclusive of a service charge for business rates, heating, lighting and maintenance.
- b). The Laverton Institute Club (the snooker club) occupies two ground floor rooms, including The Reading Room, by virtue of a lease agreed with West Wiltshire District Council in 1986.

This lease will be terminated, under provisions in the Landlord & Tenant Act 1954, to allow The Laverton Institute Trust to reoccupy the accommodation itself as Landlord for community centre

purposes. This will facilitate better fulfillment of the Trusts' objects and help to make the Trust economically viable.

It will also aid compliance with the Disability Discrimination Act 1995 as a proposed lift shaft will need to be constructed in part of one of the rooms.

3] _____ The Building

3.1 History and Heritage

The Laverton building was paid for by Abraham Laverton, a local mill-owner and philanthropist who donated several amenities to Westbury (including Westbury Swimming Pool and Prospect Square, which included Almshouses for the poor.) The Laverton was designed in Venetian Gothic style by the architect William Jarvis Stent, and foundation stones were laid in 1873.

The building was opened in 1874, and a charitable trust known as 'The Laverton Institute' was established in 1886. The aims of the original charitable trust were to provide recreational and cultural facilities for the town. In 1905, another charity was created and 'The Laverton Institute School' took occupation of part of the building. Both charities were merged in 1977, under the name of 'The Laverton Institute.'

Although the building has fallen into poor decorative repair over the last 20 years, many local residents have a fond affection for the building, especially as many have memories of special personal events and occasions in The Laverton.

Westbury Heritage Society, which runs the Heritage Centre in Westbury High Street and the exhibitions within it, is dedicated to helping to preserve and promote public awareness and understanding of Westbury's Laverton heritage.

The building has a Grade II Conservation Listing.

3.2 Accommodation

Main First Floor features are:

<u>Main Hall</u>	1,506 sq ft plus stage of approx. 190 sq ft. Attractive high painted ceiling feature, with chandelier-type lighting. Coloured glass window to end-wall with inscription reading: <i>"This Institution was erected by Abraham Laverton Esqr in 1873"</i> Several store-rooms
<u>Dressing Room</u>	off left side of stage.
<u>Kitchen</u>	198 sq ft. Fully-fitted with stainless steel 6-ring gas hob, many work Surfaces, hot cabinet, double bowl - double drainer sink. External door to rear drive.
<u>Bar Room</u>	247 sq ft with bar counter and shelves. Double-external door to rear drive – currently serves as first floor disabled access (until lift is installed as part of proposed refurb.). All alcohol is currently provided by the publican of the Horse & Groom by arrangement through the Hall Manager.

Inner Lobby/ Meeting Room

232 sq ft

To be available for hire for small meetings when the bar is not in use.

Ladies

with 4 WCs and 4 wash-hand basins.

Main Ground Floor features are:

Entrance Lobby and Hallway

Stairs to first floor.

Snooker Hall

622 sq ft. External access obtained via separate lobby and Front Entrance door.

This room is proposed to become the new "Lower Hall".

Reading Room

215 sq ft

The proposed new lift shaft and hydraulic equipment will occupy part of this room.

This room is proposed to become the Hall Managers Office.

Several Office Rooms

currently occupied by Westbury Town Council.

Gents Toilets

with access to boiler room and store-rooms

2 WCs and four-man urinal.

3.3 Condition of the Building

The LTMC has obtained a disability access audit . The advice received indicates that several low cost items can be installed to achieve reasonable compliance with the Disability Discrimination Act 1995 (DDA). These include high-visibility signs. The current disabled access to the first floor via a steep rear access road, however, is far from ideal. It would not be reasonable, however, to expect the new Trustee of the building to have undertaken and completed the major works required to achieve an ideal level of access by October 2004, due to both the short time-scale since becoming Trustee and the high cost of the overall works which would be involved.

The LTMC proposes to install a "Companion Prestige" (disabled) platform lift within a new lift shaft as soon as possible, subject to grant funding. LTMC intends that all DDA compliance works will be carried out as part of the proposed refurbishment project in 2007/8.

In the meantime, a powered chair is available to assist anyone with obtaining access to the first floor.

It is essential to improve the accessibility of the first floor accommodation to attract the widest range of potential users.

The LTMC commissioned chartered surveyors, King Sturge, to provide a condition survey report of the building's physical state, including a full structural and services review. The advice received included a professional estimate of the cost of undertaking all necessary maintenance, repairs and updates to bring the existing building into good condition throughout over a 5-year period on a priority definition of 1-3 inclusive.

Priority 1 represents essential Health and Safety updates and priority repairs to maintain wind and weather tightness. These items include some roof coverings, dry rot, joinery/timber, internal/external damage, an asbestos survey, masonry/brickwork, mechanical installations, electrical installations, fire prevention and protection.

Priority 2 represents fabric and structure items of a lesser priority than category 1, including external decorative condition.

Priority 3 represents non-urgent dilapidation items including internal redecorations and replacement of heating pipework and radiators.

Whilst the external and structural fabric of the building are in fairly satisfactory condition, remedial works are required to most external decorations. The main pitched roof coverings require a minor overhaul (eg. removal of moss). Flat roof coverings and the rainwater disposal system also need an overhaul. The external rear retaining wall requires structural strengthening (All Priority category 2).

Most internal decorations require an overhaul (Priority Category 3).

The financial summary of the complete recommendations made in the King Sturge condition survey report is shown below (as at January 2004):

Table 3.A 2004 Cost Estimates for Outstanding Maintenance and Repairs

	Building structure and decorations	Services	Total (£)
Priority One	18,000	1,100	19,100
Priority Two	118,200	10,200	128,400
Priority Three	35,600	46,000	81,600
			229,100

All estimated costs are plus VAT. The Town Council will become VAT registered. The Town Council will "opt to tax" the building for VAT reclaiming purposes just prior to undertaking any major building works.

£21,503 has since been spent on essential maintenance, repairs and improvements.

It is now proposed that all the outstanding maintenance items should be undertaken in one go as part of a **major refurbishment project to be undertaken in 2007/8.**

3.3 Proposed Refurbishment Project

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

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

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

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

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

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

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

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

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

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

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

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

Original February 2005 best tender	£190,120.94	now say,	£ 210,000
Pre-tender estimates for works e – l listed above			£ 121,000
Professional Fees and contingencies			<u>£ 19,000</u>

Total Estimated Cost of Refurbishment Project			£ 350,000 plus VAT.
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LTMC proposes to retain King Sturge as the works project managers.

4] _____ Marketing a Community Facility

4.1 Introduction

Westbury and its surrounding villages have a population of approximately 16,000, which is served by several existing halls. However, none of these existing halls is directly comparable to The Laverton itself. The Laverton is unique in the Westbury area because of a combination of factors:

- Its overall size
- The variety of rooms available for hire
- The combination of supporting kitchen and bar facilities
- The architectural quality of the building
- The presence of a building manager and other support staff.

Initial research shows that existing halls in the Westbury area enjoy moderate to high levels of regular bookings. The LTMC has considered the following questions as part of a marketing strategy:

Who are our key customers likely to be?

- How will we target them in terms of advertising and marketing?
- If people already use an existing hall in the area, why and how can The Laverton tempt them to change venues?
- Are there any untapped markets, not currently fulfilled by existing halls?

LTMC considers that there is a clear gap in the market for a well-presented medium-sized hall (1,500 sq ft) providing a stage, licensed bar and commercial kitchen facilities. Currently, potential users are making do with less attractive venues in the town or travelling to other towns.

The existing halls available for hire in Westbury are:

- All Saint's Church Hall
- Westbury Leigh Community Hall
- Westbury Leigh Baptist Church Hall
- Methodist Church Hall
- United Reform Church Hall
- West End Baptist Church Hall
- Matravers School Hall
- Westbury Leigh C.E. Primary School Hall
- Westbury Junior School Hall
- The Paragon (part of The Labour Club).

The existing village halls around Westbury are:

- Dilton Marsh Memorial Hall
- Heywood & Hawkeridge Village Hall
- Bratton Jubilee Hall

Users will only be drawn to The Laverton if it offers them, in comparison to existing halls:

- *better or more appropriate facilities, and/or*
- *better value for money.*

The LTMC will position The Laverton as a *quality, superior venue*, that offers a more attractive *alternative* to existing medium-sized halls in the area.

It will be essential to be able to market the building on the basis that it has an internal lift installed to permit easy access for all to the first floor main hall and ladies WCs. The installation of a lift is what many members of the public expect to enable a successful refurbishment project for The Laverton.

4.2 Identifying Potential Users

To implement a targeted, effective advertising and marketing campaign, the LTMC will prioritise those who are the best potential users of The Laverton's facilities.

This prioritisation will begin as a process of elimination:

- *Who is very unlikely to change venues from the existing hall they use? (e.g. WI Market.)*
- *Who, or what, is not a most appropriate user from The Laverton's point of view, for various reasons?*

Following on from this, the LTMC's prioritisation of potential users will consider the following ultimate questions:

- *Who or what is likely to generate regular repeat business?*
- *Who or what is likely to repeat irregular but high-earning business? (E.g. business seminars, wedding parties?)*

An initial check-list of potential users in the community is:

- After School Club/Nursery
- Art or Craft Groups
- Bingo/Card Games etc.
- Book/Reading Groups
- Business Meetings
- Business Suite Users
- Collectors Fairs
- Council Meetings and exhibitions (e.g. consultation relating to planning or highways plans or strategies.)
- Dances
- Dinner/Tea Dances
- Educational Classes
- Exhibitions
- Film Club
- Guides and Brownies
- Health related groups/talks, ie Heart Start
- Interest Group/Societies (talks and lectures)
- Keep Fit Classes
- Lions Club
- Mother & Toddler Groups
- Private Functions
- Regional or visiting Government Agencies, or other public sector organisations (e.g. The Environment Agency)
- Religious Groups
- Rotary
- Scouts and Cubs
- Self-Defence Classes
- Senior Citizens' Groups (Classes/Morning Drop-In/Lunch Club)
- Slimming Groups
- Special Occasions (civil weddings etc.)
- Women's Institute
- Youth Organisations.

The County Council's Merlin Database includes a variety of local community, sporting and interest groups. This, together with existing Town Council databases, will form the basis of a community marketing mail shot (see point 4.4 below).

4.3 Creating New Markets

Two initial markets that will be pursued are:

- a) creating a Business Suite, and;
- b) registering The Laverton for civil marriages.

4.3.1 Creating a Business Suite

Sole traders and small businesses can not always afford to purchase equipment that their business requires only occasionally. A Business Suite could provide local businesses with - of course - a meeting space, but more importantly, with *supporting equipment they can use whilst in that meeting space*. Local businesses may therefore choose to book the Business Suite so they can use the equipment rather than hold a meeting *per se*. Some examples of equipment that could be on offer are:

- Flip-charts
- Overhead projector and screen
- PC and printer (possibly a colour printer)
- Power-point compatible projector/screen
- CD writer
- Internet access
- Photocopier
- Spiral binder and A4 guillotine (for report/presentation preparation)
- Dictaphone
- Exhibition Screens
- Roving Microphone
- Television with VCR/DVD facility
- Small Resource Library (computer guide books, tax reference books, how to write CVs and job applications etc.)

Research has been undertaken, in partnership with The Westbury Chamber of Commerce, to ascertain other items that local businesses might require. Some of the equipment offered in The Business Suite could also be offered for external hire (e.g. exhibition boards). Further research should also identify whether any grants exist for the purchasing of capital equipment, within the categories of small or rural business development, or managed offices for example.

4.3.2 Civil Marriages

There is currently no venue in Westbury licensed for civil marriages. This is be viewed as a major opportunity. Indeed, The Laverton will be promoted as the ideal venue for a range of related 'Special Occasion' events:

- Civil Wedding Ceremony
- Civil Wedding Ceremony and Reception
- Wedding Reception Only
- Christening Ceremony (or 'Baby Naming Ceremony')
- Christening Ceremony and Christening Party
- Renewal of Wedding Vows, Wedding Anniversary Parties
- Funeral Wakes
- Divorce Parties.

4.4 Reaching Potential Customers

Following completion of the refurbishment, a multi-faceted advertising and marketing campaign will be employed. The following will be used to promote the facilities on offer:

- **Community Groups:**
 - Wiltshire County Council's 'Merlin' database lists an extensive number of Westbury groups.
 - The Town Council's extensive database of local community/interest groups.
- **Business Users:**
 - A mail shot sent via The Chamber of Commerce to its database.
 - A feature/advertisement in *The Chamber Pot* newsletter.
- **Local Residents:**
 - A feature/flyer insert in *The White Horse News*
- **General Publicity:**
 - Distribution of quality advertising flyers in relevant locations throughout Westbury (e.g. the library).
 - Press releases to all local press and radio (once the main programme of building works has been completed - possibly to announce their commencement as well.)

Advertising Flyers will be produced on high quality paper, preferably card, be full-colour, and include some colour images of the rooms for hire. An approximate price for printing 20,000 copies of an A5 flyer (full-colour, double-sided) is £600.

Mail shots will be targeted to particular user groups.

4.5 Supporting Services

Marketing material will also promote the full range of other support services The Laverton can offer. Support services will be as extensive as is realistically possible - the more The Laverton can do to assist the customer's organisation of an event, the better. Some examples of support services and items that will be offered are:

- quality crockery
- quality table linen
- table decorations
- piano
- speaker system
- small portable stereo/CD player
- stage lighting
- a folder of information on local/reputable catering companies
- a folder of information on local/reputable bands and DJs
- a Special Occasions folder (giving information on local/reputable photographers, florists, printers [of invitations] etc.)
- a general party folder (giving information on where to source [locally where possible] balloons, special decorations, children's entertainers or story tellers, magicians etc.)
- (Business related support services would include all items and services relating to a Business Suite.)

5] _____ **Public Consultation**

5.1 Public Consultation

The Laverton is a community facility, so the involvement of the public in its on-going management is essential. Public representation on its management committee will form one tier of public involvement.

The residents of Westbury can be assured that:

- Members of the public have the opportunity to sit on the management committee
- They can input their ideas and concerns
- They will be told of the management committee's decisions
- Options and contingency plans have been thoroughly assessed.

The Town Council became Trustee of The Laverton Institute Trust in December 2003 and is now charged with the management of The Laverton. There has been much debate about the merits of this, however, the option to return The Laverton to the management of West Wiltshire District Council is not possible.

It is estimated that the likely cost of buying a town centre site and constructing a similarly-sized new hall with bar and kitchen facilities would far exceed £1m. Neither a suitable site in the town centre nor the money is known to be available.

Refurbishing The Laverton can be undertaken at a fraction of the cost of providing a new facility. This option also preserves an important part of Westbury's heritage for continued active enjoyment by the community. And, it is said that the soul of town resides in The Laverton. Therefore, the chosen option of the Town Council is to manage The Laverton on behalf of the community.

In order that informed and transparent decisions can be made, the Town Council has:

- established a Laverton Trust Management Committee (LTMC), which will include 3 co-opted representatives from the general community.
- consulted the local community on their thoughts and ideas relating to The Laverton.
- committed to publishing a further, more detailed Business Plan (including detailed final tender prices) and grants offered prior to a final decision to commit to major expenditure on any refurbishment project.

5.2 Consultation by Westbury Heritage Society

During early 2006, Westbury Heritage Society undertook a consultation exercise to test the level of support across the town for making a Heritage Lottery Grant bid to refurbish The Laverton and so bring it back to its former glory and so back into full use.

It was emphasized that large sums of money would be involved, that the works would include a lift to give adequate disabled access and that an important part of Westbury's heritage would be preserved for use by the community.

Over 1,000 adults signed letters of support for the project.

6] Financial Forecasts

6.1 Assumptions Regarding Hall Hire Income

The LTMC has decided to use the following income assumptions for use in initial business planning:

Figure 6.A.	Hire Income (£)
2006/7	5,000
2007/8	10,000
2008/9	12,000
2009/10	18,360
2010/11	26,520

NB. Figures 6.C and 6.D on page 21 below explain the assumptions made about future hire rates and average hourly bookings per week which make up these figures here in Figure 6.A.

6.2 Current Running Costs

The Town Council now has two years experience of running The Laverton. The following are the actual budgets for the running the building during 2006/7:

Expenditure (£)	
<u>Salaries</u>	
Managerial and Casual Staff	29,150
<u>General Expenditure</u>	
Printing and Stationery	200
Marketing	1,000
Telephones	300
Petty Cash	200
Staff Training	500
Subscriptions	100
	2,300
<u>Building Maintenance</u>	
Minor Repairs & Maintenance	3,000
Maintenance Contracts	280
Cleaning costs	1,000
	4,280
<u>Utilities and Insurance</u>	
Building insurance	4,650
Rates, Electricity, Gas & Water	7,920
	12,570
	19,150
Total Budgeted Revenue Expenditure	£48,300

Notes:

1. Major Building Repairs and Upgrade expenditure is built into this 5-year Business Plan as specific capital expenditure to be incurred mainly as part of the proposed comprehensive refurbishment project in 2007/8. This is separate to the regular maintenance itemised above as 'Minor Repairs and Maintenance'.

2. As a charity, the Trust cannot run a bar trading operation except via a separate business operation which would normally be expected to pay rent calculated as a share of the turnover and/or audited profits. The bar room is currently run by Mr Leigh Pickering of The Horse & Groom who provides a full range of alcoholic drinks and staff as the 'sole provider' in compliance with the new premises license. All Bar use is by prior arrangement through the Hall Manager who is the 'premises license holder'. After the refurbishment, it is expected that use of the bar will

increase dramatically so that the bar operator will pay a proportion of turnover as rent. This is expected to be 20% of turnover (ie. all takings).

3. As a registered charity, The Trust is entitled to 80% relief on Business Rates applicable to the parts of the building not in use by the Town Council. The Town Council pays a proportion of the Business Rates applicable to its use of the building already via its fully inclusive annual Licence Fee.

4. The Laverton is fully compliant with its Premises Licence. Additional staff have been appointed within the last 12 months to achieve compliance with the new rules on staff being in attendance at private or public events.

The current licence permits:

On-sales of alcohol	12.00 – 23.30 Hrs Mon – Sun (Until 00.30 Hrs on New Years Eve only)
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Late night sales of refreshments (Teas, Coffees)	23.00 – 01.00 Hrs Mon – Sun (Until 02.00 Hrs on New years Eve only)
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Performance of Plays
Exhibition of Films
Indoor Sporting Events
Live and Recorded Music
Amplified Voice
Performance of Dance
Provision of facilities for making music, dancing and activities of a similar description.

6.3 Two-year Financial History and Five-Year Financial Forecast

(£)	Notes	2004/5	2005/6	2006/7	2007/8	2008/9	2009/10	2010/11
Revenue Income								
WTC Licence Fee	1	8,000	8,000	10,000	10,000	10,000	10,000	10,000
Facility Hire	2	5,750	5,242	5,000	10,000	12,000	18,360	26,520
Snooker Club	3	1,013	1,013	1,013	-	-	-	-
Bar Room Rent		-	-	-	4,000	8,000	8,000	10,000
Misc. Income	4	3,690	194	-	-	-	-	-
Capital Grants								
WWDC (Wall)	5	-	-	-	25,000	-	-	-
WTC Initial Grant	6	100,000	-	-	-	-	-	-
HLF Grant	7	-	-	-	245,000	-	-	-
Misc. Grants	8	-	-	13,000	10,000	5,000	-	-
Revenue Grants								
Local Fundraising		-	-	-	2,000	2,000	2,000	3,000
WWDC Grant	9	8,000	8,000	8,000	8,000	8,000	-	-
WTC Revenue	10	-	6,000	15,000	15,000	15,000	15,000	20,000
Community Hall Grant		-	9,000	-	-	-	-	-
Donations		-	282	1,000	1,000	1,000	1,000	1,000
Project Loan	11	-	-	-	100,000	-	-	-
TOTAL INCOME		126,453	37,731	53,013	430,000	61,000	54,360	70,520
Revenue Expenditure								
Staff Costs		19,212	22,171	29,150	30,025	30,926	31,854	32,809
Running Costs		21,246	17,066	19,150	20,000	20,600	21,218	21,855
Capital Expenditure								
Major Repairs and Upgrades	12	18,268	3,235	5,000	350,000	10,000	5,000	5,000
Repayment of Project Loan		-	-	-	10,000	10,000	10,000	10,000
TOTAL EXPENDITURE		58,726	42,472	53,300	410,025	71,526	68,072	69,664
SURPLUS (DEFICIT)		67,727	(4,741)	(287)	19,975	(10,526)	(13,712)	856
Cumulative b/f		-	67,727	62,986	62,699	82,674	72,148	58,436
Cumulative c/f	13	67,727	62,986	62,699	82,674	72,148	58,436	59,292

NOTES:

1. Westbury Town Council Licence Fee. Includes a share of business rates, heating, lighting, water, repairs, maintenance and cleaning of the building.
2. Facility Hire Income. This includes income derived from the Lower Hall and the Meeting Room (aka the Inner Lobby on the first floor) which can be hired separately from the main hall depending on use of the bar room.
3. Snooker Club Rent. Their lease is to be terminated to allow the Lower Hall to be brought back into economic use as part of a multi-function community centre.
4. Misc. Income. This accounts for money received from insurance claims.
5. West Wiltshire District Council Wall Grant. WWDC gave a grant of £25,000 for stabilising a retaining wall at the rear of the building as part of the initial settlement agreement under which the town council agreed to become the sole trustee. The money has been kept in a town council reserve fund. The figure of £25,000 in 2007/8 simply transfers the sum into the accounts for The Laverton Institute Trust. As the wall does not show any sign of current movement, it is currently proposed to defer any works.
6. Westbury Town Council Initial Capital Grant. This was raised from Council Tax as a once-only contribution to major capital expenditure. During 2004/5, 2005/6 and 2006/7, £26,504 will have been spent on capital repairs and improvements. This leaves £73,496 (approx.) as a contribution towards the refurbishment project.
7. LTMC intend to apply to the Heritage Lottery Fund for a 70% grant towards the total project cost of £350,000.
8. LTMC intends to apply for other grants from various bodies, especially Landfill Tax Credits, which will contribute towards capital expenditure projects including the refurbishment project in 2007/8.
9. WWDC agreed to pay a grant of £8,000 per year until 2008/9 as part of the trustee transfer agreement. This was to assist with revenue funding whilst the building is refurbished and brought back into more intensive use.
10. Westbury Town Council pays a revenue grant to assist the charity. It is proposed to increase this to £20,000 pa from 2010/11 to reflect the increased public use, enjoyment and benefit of the community facilities by then.
11. Project Loan. This was included in the previous Business Plan (Issue 1 – April 2004). It is intended to take out a loan of £100,000 to assist with spreading the cost of the refurbishment project over several years. Repayments will come from The Laverton Institute Trust's own internal cash flows – as shown on the above cash flow table. One likely source of the loan is the Public Works Loans Board, which specialises in low interest loans for parish and town councils.
12. This includes chartered surveyors and legal costs relating to surveys, cost estimates, preparation of schedules of works and drawings, obtaining listed building consent, tenders and legal advice in preparation for a major programme of repair and upgrade works to bring the whole building back into good condition. Also includes new crockery.

13. In effect, this is cash in the bank held by the town council as sole trustee. This is fully reflected in the town council's audited financial accounts.

Additional Notes

1. All figures for grants are pure estimates at this stage.
2. Further analysis of Project Costs will be required when more tenders are received. The next issue of this business plan (Issue 3) provide the details of all proposed refurbishment costs, available grants and loan terms.
3. No major expenditure on works can proceed, nor will any project loan be taken out, until results of grant applications are known and sufficient and a final town council decision has been taken to proceed with the proposed refurbishment project.
4. The town council must become VAT registered so that VAT on the major works can be recovered. The building must also be "opted to tax" for the same purpose. This will mean that all hire fees will have VAT added. This is taken account of in the hire income estimates for 2007/8 onwards.

6.3 Making Realistic Estimates

It is always difficult to make assumptions for financial income. The setting of target income always involves an element of informed estimation, and therefore an element of risk. The LTMC have considered the following hire charges:

Existing hire charges are:

Figure 6.B

Existing Charges (£)	Hourly Rates	
Main Hall	First 3 Hours	
	Standard 33.00	Business 53.00
	Subsequent Hours	
	Standard 12.00	Business 18.00

Supplemental Charges:

Musical and Electrical Charge	£10	
use of PA system	£10	
Kitchen	£10	
Bar Usage		£10
NB. Bar and Kitchen together	£15	

Following the upgrading of the building, the *average hourly hire rate per room* will be:

Figure 6.C

New Charges (£)	Hourly Rates	Average Hourly Rate
Main Hall	12.00 - 20.00	16.00 *
Lower Hall	7.00 - 16.00	11.50
Meeting Room	6.00 - 14.00	<u>10.00</u>

overall average hourly hire rate £12.17 (approx.)

* Ignores the supplemental charges for kitchen, bar or PA use etc.

The average hourly hire rate for the building - £12.17 - can be used to roughly ascertain how many hourly bookings per week would be required in order to meet the income targets set out in Figure 6.A.

Figure 6.D

	Hire Income (£) (Annual)	Weekly Target (£)	Average Number of Hourly Bookings Required Per Week
2007/8	10,000	250 *	21
2008/9	12,000	231	19
2009/10 18,360	353	29	
2010/11 26,520	510	42 **	

* Allows for a 12 week refurbishment project during which minimal bookings would occur, and an expected burst of bookings after the building reopens.

** 42 hours a week is equivalent to 6 hours a day on average over 7 days a week between three different function rooms. This is a realistic target given that Westbury Leigh Community Hall (1,000 sq ft approx) is fully booked every weekday evening since its refurbishment in 2001.

The key opportunities for funding, identified to date, are:

7.1 Landfill Tax Credit Scheme

The grant is particularly aimed at improvements to community facilities, particularly community centres. Our local 'Distributive Environmental Body' for this scheme is Community First. Town Councils are specifically mentioned in the available literature as eligible to apply. Grants often relate to proximity to the landfill site, and match-funding. On this basis, The Laverton appears to be eligible for a full grant.

7.2 Heritage Lottery Fund

The Heritage Lottery Fund (HLF) offers grants of over £50,000 (up to £5m+). Projects should conserve and enhance our diverse heritage or encourage more people to be involved in their heritage or both. Projects should also make sure that everyone can learn about, have access to and enjoy their heritage. Projects can include historic buildings. HLF has written to The Laverton Institute Trust to encourage us to work with Westbury Heritage Society to produce a Heritage Plan for The Laverton. HLF will fund building repairs and conservation work on historic buildings (including improving physical access). Projects must 'open up heritage resources to the widest possible audiences.'

HLF grants are ideal for refurbishing historic buildings. The project must not be providing new accommodation or facilities. Our proposed refurbishment project is entirely about bringing a locally-important historic building back into good condition and better use by the public with modern access standards.

Match funding is required of at least 10%. We have been advised by HLF that 30% is more realistic, requiring a grant of 70% of the project cost.

7.3 Big Lottery Fund – Community Buildings

The grants aim to extend services and activities delivered through community buildings to ensure more people make use of them. Grants are between £50,001 - £500,000 and are aimed at building improvement projects. Our proposed project involves some elements of improvement (eg. a lift). No match funding required below a grant of £250,000.

7.4 Charles Hayward Foundation

This charitable foundation gives grants to a broad range of projects, including community facilities. Eligible expenditure includes building adaptations, furnishings, fittings and the purchasing of equipment. Grants are only offered towards expenditure not yet incurred. Grants range from £1,000 to £5,000. There is no formal application form; the Foundation must be approached by letter with supporting information.

8] _____ Fund-Raising Opportunities

Fund-raising of different types has been considered. This ranged from the ubiquitous cake stall to a comprehensive Community Subscription Scheme. All types of fund-raising within this broad spectrum has a role to play.

It is considered that this form of funding is best related to improvement projects after the proposed refurbishment has occurred. Projects could be, for example, the provision of enhanced stage lighting or seats. The following will be pursued:

8.1 Business Sponsorship

Business Sponsorship will be approached professionally and boldly. The following choice will be made first:

Either, to court up to five, large local businesses and seek substantial amounts of sponsorship, OR, to approach a wider base of businesses and seek smaller contributions?

Before deciding on this, the LTMC will consider:

- **What does it have to offer sponsors?** Some businesses offer sponsorship on a purely philanthropic basis. However, most expect something in return in terms of generating publicity and raising the profile of their business. Or, at the very least, they want as many people as possible to know about their kind, philanthropic gesture. For example:
 - **Publicity.** Where will the publicity be placed? How many people will see it/read it/hear it? (In other words, what is the target audience that the sponsoring business will reach?)
 - **Naming opportunities.** Is the LTMC willing to offer naming rights to the two main function rooms in The Laverton in return for substantial donations? Before approaching businesses, the LTMC will agree this level of donation. They will also wish to gauge the community's reaction to the offering of 'naming rights' which can sometimes be controversial.
 - **Other visual recognition.** LTMC is willing to offer other branding opportunities to key sponsors. For example, if the LTMC is planning on distributing a quarterly newsletter, a key sponsor could be given a prominent strap line on the front page. Other means of giving visual recognition include public information boards within the building, banners on any future website that may be established, or a series of quality signs or plaques on a specific 'Sponsor Wall,' or similar will be considered.
- **The key businesses the LTMC wish to approach**
These are suggested below:

La Farge
Owners of West Wiltshire Trading Estate
Viridor
Celcon
Davies
Persimmon Homes

Prospect Land
Rygor
Oval Motor Company
Chantry TV
Coopers Country Market

NB. It would be unhelpful for anyone outside the LTMC to approach the above businesses about this idea at any time. This would be likely to prejudice any formal approach when LTMC has suitably prepared its case about specific small projects for presentation to any business.

This SWOT analysis has been used in the production of this plan.

STRENGTHS

- The Laverton is a unique and historic building within Westbury.
- It is located in the town centre.
- It has existing and widespread recognition as the long-standing principal community hall for the town and surrounding villages.
- Many long-term residents recall, with fondness, visiting the building in the past and taking part in a social or family function.
- The Laverton has the only town centre, purpose-designed assembly hall with a stage, fitted kitchen and featuring a particularly attractive and high ceiling with chandelier-type lighting. Consequently, The Laverton has no direct competition as other halls are either not in the town centre, much smaller, much larger and / or have an inferior internal ambience.
- It has a bar licence.
- The planned programme of building works will provide modern facilities and a high-quality standard of decoration.
- The planned programme of building works will ensure the building meets the aims of the Disability Discrimination Act 1995. Access into and within the building will be greatly improved which will ensure that the charity becomes economically viable.

WEAKNESSES

- It's position on both a hill and a bend in Bratton Road means that some people do not immediately view The Laverton as a central, accessible building, despite its overall town centre location.
- There is no on-site car parking (except there is room to designate some disabled spaces). The lack of a main on-site car park may deter those sections of the community who do not wish to park in the car park opposite and cross Bratton Road (the elderly, mothers with babies for example) until the road becomes a one-way street (see Opportunities below).
- The proximity of other former town hall buildings in neighbouring towns, many of them refurbished to a high standard, means that the catchment market for the facility will be limited to Westbury and local villages.
- The previous Trustee failed to maintain and market the building properly for at least the last twenty years such that a whole generation of young people and newcomers to the town have not yet enjoyed any use of the main hall.
- Substantial expenditure on a planned building improvement programme is required to bring the structure and amenities into good condition and up to a modern standard.

OPPORTUNITIES

- A new management committee with community representation will ensure the facility is community managed and community driven.
- Fund-raising and grant opportunities do exist.
- The Laverton is a unique facility. If it can position itself appropriately within the wider market, it has scope to become a financially successful and once-again cherished part of the local community.
- Bratton Road, which the building fronts on to, may become a one-way street as part of the central Westbury road improvement scheme associated with opening the proposed Westbury Bypass. Wiltshire County Council has estimated that the bypass could be open by 2010, subject to planning. Town centre highway improvements are expected to follow soon after. This would improve access to the building by making it easier for pedestrians to cross the road as they would only have to look one way – which is expected to be towards Bratton. Currently, it is the traffic coming from the other direction on a bend which requires careful attention when crossing the road.

- The town has tripled in population in the last forty years yet the number of halls has only increased marginally. Other large halls in the town which are suited to dances and public entertainment are so busy that it is difficult to get a booking. For example, Westbury Leigh Community Hall opened five years ago is fully booked every evening during the week and most weekends. It is abundantly clear that significant pent-up demand exists for a modernised main assembly hall in Westbury.

THREATS

- Income targets can only be assumptions at this stage.
- The Laverton will need to compete with existing halls within Westbury, most of which are run by volunteer staff (and therefore do not have the same overheads as The Laverton).
- Fund-raising targets may not be met.
- The programme of building works may come in over budget.

10] _____ Project Programming

This section will include a Gantt Chart outlining the planned start and finish dates for the refurbishment project and associated marketing and heritage promotion activities when the advanced project details are finally available.

This will be provided in the next issue of this report (No. 3), which is expected to be presented to a full town council meeting in early 2007 to seek final approval to proceed with the refurbishment project in the light of final details about tendered costs and confirmed grants.

11] _____ **Summary and Conclusion**

11.1 **Summary**

The Laverton Institute is a registered charity. Its objects are principally to provide a community centre for the benefit of the residents of Westbury, although the Town Council is permitted to occupy part for its offices. The building is two-storey with the main hall, kitchen and bar room on the first floor.

The building is an important part of the heritage of Westbury and is well-loved by many local residents, particularly those who have attended important events at The Laverton in the past (eg. weddings and dances).

The building is Grade 2 Listed and was donated to the town via the charity by a well-known local philanthropist. The previous trustee, West Wiltshire District Council, failed to manage, maintain or market properly the building for a long time. Substantial investment and careful management is now required to restore the building and bring the Trust into a financially sustainable state.

The trustee is now Westbury Town Council. The Laverton Trust Management Committee (LTMC) is a town council working group responsible for running the Trust and building. The LTMC will include members of the public as well as Councillors. Marketing issues and proposals have been considered.

Part of the ground floor is occupied by a Snooker Club paying an uneconomic rent. Their lease will be terminated as soon as plans for re-using the relevant rooms have been finalised.

The outstanding maintenance, repair and upgrade works required to bring the building into good condition throughout is estimated to cost approximately **£350,000** plus VAT.

This will include the installation of a “Companion Prestige” platform lift within a lift shaft to properly connect the ground floor facilities (including the Gents WCs) with the main first floor facilities. The ladies and gents WCs will be upgraded to modern standards and a new Unisex Disabled WC is proposed on the first floor. The kitchen and bar room will also be refurbished to modern standards.

All the works are required to ensure that the building is brought into good condition throughout and is fit for its purpose of being attractive as a community facility. This will also ensure that the heritage aspects of the building can be fully enjoyed and appreciated by all.

The proposed refurbishment project together with a change of use of the Snooker Hall and Reading Room will provide the building with a new Lower Hall for hire and a Hall Manager’s office.

The LTMC will apply for a range of grants. In particular, an application to the Heritage Lottery Fund will be made.

A project loan of £100,000 from the Public Works Loans Board or any alternative, suitable competitive lender is proposed to help spread the cost of the refurbishment project across several years. Repayments will come from The Laverton Institute Trust’s internal cash flows as shown on page 20.

An annual Town Council grant of £15,000 pa rising to £20,000 pa in 2010/11 is proposed to help support the charity whilst The Laverton is building up to achieve its revenue potential.

Constructive feedback received by the LTMC will help shape the next issue of this report.

11.2 Conclusion

This business plan (Issue No. 2 – September 2006) needs to be adopted by the town council to show support for the plan which will be used to apply for grants.

The acceptance of this business plan does not automatically provide the LTMC with authority to obtain any loan or to enter into any contract for works.

When new tenders have been obtained for the whole refurbishment project and detailed grant availability has been confirmed, this business plan will be updated and a further decision will be obtained from the town council to give final approval at the time.

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Heritage Lottery Fund



3rd of September 2004

Mr Gordon King
The Laverton Institute
The Laverton Hall
Bratton Road, Westbury
Wilts
BA13 3EN

Dear Mr King

Refurbishment of the Laverton Institute, Westbury

Thank you for your pre application form received at our Exeter office on the 3rd of September.

The Heritage Lottery Fund (HLF) and the Big Lottery Fund both receive Lottery good causes money to distribute; both can fund improvements to community halls, if the application meets their respective - and different - criteria. Applicants should not apply to both funders for the same project. The key point which would distinguish an application to HLF from one to the Big Lottery Fund is that the Hall should have heritage merit and the **main** focus of the project should be on the heritage improvements i.e. on the historic structure of the building, as opposed to improving the fit out or new facilities for the community. If the hall does not have heritage merit or an applicant mainly wishes to upgrade or introduce community facilities, then they should look at the Big Lottery Fund's own criteria for eligibility and contact Big Lottery Fund to discuss their project idea at the following address:

Beaufort House
51, New North Road
Exeter
EX4 4EQ

Tel: 01392 849700 *1000 000 000*

The Heritage Lottery Fund has three strategic aims, as set out in the HLF Strategic Plan for 2002-07:

- to ensure everyone can learn about, have access to and enjoy their heritage
- to encourage more people to be involved in and to make decisions about their heritage;
- to conserve and enhance the UK's diverse heritage;

All projects applying to the Heritage Lottery Fund must fulfil the first aim and meet one (or both) of the other two.

Trinity Court Southernhay East Exeter EX1 1PG Telephone 01392 223950 Fax 01392 223951

Head Office: 7 Holborn Place London SW1W 8NR

Telephone 020 7591 6000 Fax 020 7591 6001 Textphone 020 7591 6255 www.hlf.org.uk

Administered by the Trustees of the National Heritage Memorial Fund

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INVESTOR IN PEOPLE

The Heritage Lottery Fund's programmes support activities that:

- aim to increase access to heritage, especially by people who have not been involved in heritage before, and by disadvantaged groups
- are designed to increase learning about our heritage for people of all ages, abilities and backgrounds
- increase involvement in recording and conserving the heritage
- involve volunteers and the local community in our heritage

We place a premium on widening the audience for heritage, by which we mean involving groups of people who have not hitherto been included rather than simply increasing participation by those already known to be involved.

Your project could involve repairs to a listed assembly hall and utilise it as a community centre for the people of Westbury. As such it could meet our conservation aim, but you need to give careful consideration to the first aim of increasing understanding, access & enjoyment of the heritage.

In order to see how the public will benefit from access to the heritage of this building we would need to see how you intend to interpret this. Your application will need to show what characteristics of the building contribute to the heritage and appearance of Westbury and how the buildings history fits in with the wider history of your community.

By interpret we mean to tell the story so that others can understand the importance of the Institute. This could be achieved by printing visitor guides or arranging guided tours. It might involve special exhibitions or talks. We would be particularly pleased to see this being delivered by volunteer involvement, and ideally in partnership with an established heritage group such as a local history society. The costs of such activities would be eligible for inclusion in an application, along with the costs of the repairs.

New facilities are usually a low priority for funding by HLF as our main focus and interest is in the historic structure and its restoration, not its reconstruction. We can consider new facilities only where they are a very small percentage of the whole application and where they help to increase access to and a greater appreciation for the historic structure of the building.

HLF views work or services which are part of the responsibility of your organisation as ineligible costs for grant support. This would include routine repairs and maintenance and works which it is your statutory responsibility to complete, such as introducing a disabled toilet facility and facilities such as ramps for wheelchair access. The final phase of the Disability Discrimination Act 1995, to come into force 1 October 2004, obliges service providers to make "reasonable adjustments" in relation to the physical features of their premises to overcome physical barriers to access. HLF is not able to fund such works if it is your duty to supply them. We are only able to consider access works where they go beyond "reasonable adjustments" and are merited by the application's aims and objectives.

Similarly, if your building has failed health and safety standards, then works to meet these standards would be your responsibility and not an eligible cost for our grant.

What HLF will fund

You can apply for funding towards the capital and the activity (revenue) costs of your project. This can include

- equipment essential for the project
- materials essential for the project
- staff costs (not already on the payroll)
- fees for freelance workers and staff on short-term contracts
- costs of writing and producing educational resources and publicity for the project
- specialist training for project workers and volunteers.

HLF expects applicants to contribute something towards the projects costs. This may be in the form of

- cash
- other grants or donations
- non-cash contributions such as the value of donated materials or of voluntary labour.

Although the minimum percentage which you have to contribute yourself is 10% of the total project costs, in the present competitive environment for our funding we would expect a higher contribution for a project of this size. We take the view that by providing matching contribution, organisations are helping to demonstrate that there is community support for their project.

Any application to the Heritage Grant scheme will have to fulfil a number of key criteria in order to be considered for funding.

1) Whether there is a need or demand for the project.

An application will normally be expected to contain letters of support for the project. The support should come from organisations or groups that have already expressed an intention to become involved in the project and schools who may use the resources you intend to produce. The early indication of the active participation of the local schools or colleges will help any application. If an identifiable need can be shown then the application will have to show how the project will address those needs. Identifying how the restored Institute will fit into a wider interpretation strategy that may exist for Westbury would be a useful indication of the need for the facility.

2) Whether your project is well thought out and will involve work of high quality.

The application will have to provide evidence that the proposed work has been identified by suitably qualified professionals and that they meet relevant technical or professional standards. Copies of any advice you have received from the Conservation Officer of your District Council or any specialised report from an Architect that specialises in historic building conservation will need to be included with your application.

3) How you plan to manage the project during and after completion.

The application will have to provide evidence that the organisation, or the people within it, have successfully implemented or run projects similar to that proposed. If this is not possible then you will have to provide evidence that the organisation has access to appropriate skills and experience to help you plan and manage the project. The application should really include a realistic forward maintenance plan for the project which identifies from which sources the cost of implementing the plan will be met. You will need to show who will be responsible for repairs and maintenance to the building once it has been restored. How will your group raise sufficient income to meet those requirements?

4) How will the project measure its success in meeting its aims?

The application needs to identify the methods the project will use to measure its stated aims both during the implementation and following completion.

5) Whether the project costs are sound and will provide good value for money overall.

We need to see evidence that the project is unlikely to succeed without HLF funding support. The project costs will need to include allowance for contingency and inflation and will need to be as accurate as possible and realistic in their scope. The project obviously has to offer good value for HLF money in terms of the heritage importance of the work you intend to undertake and the predicted overall benefits the project will deliver. As is often the case with these situations, having all partnership funding secure before making an application to the major funder will help an application's chances of success.

Tips for successful projects

First steps

- What are you specifically trying to achieve with this project?
- How does this project fit with your overall aims and objectives?
- What do you actually want to do?
- What is the need and demand for your project? How do you know?
- Who do you need to consult about the project and how will you do that?
- Do you have the necessary supporting policies in place?
- Do you have the necessary skills and experience to undertake the project?

Successful projects are based on good research and wide consultation. Spending time on planning will produce a better project in the end.

A good project plan contains

- Aims and objectives
- Description of the project
- Timetable with milestones for what you will achieve by the end of each phase
- Budget, identifying capital costs and activity costs
- Roles and responsibilities for all project staff and volunteers
- Plans for promoting the project
- Plans for measuring your success in achieving your objectives

- Plans for making sure the benefits of the project are maintained after it is completed.

Examples of access and learning elements

- An exhibition about the history of Westbury developed by local people using personal possessions.
- An oral history project to record local people's memories of the Institute, its recent history and its significance to the community
- A children's activity pack developed in partnership with teachers
- A programme of role play sessions utilising the Institute as a venue to support the National Curriculum designed with local schools

If you decide that you wish to apply the Heritage Lottery Fund, I would encourage your organisation to consider the access and interpretation parts of your project ensuring that sufficient resources are committed to these outputs. We encourage projects to focus on the quality of resources that are produced, such as booklets and interpretation panels, and the costs of professionally produced material can be included in your application.

I trust this information will assist in your project design. If I can provide any further help or guidance in the application process please do not hesitate to contact me.

Yours sincerely



Richard Bellamy
Development Officer – South West Region
Direct Line – 01392 223959

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5th Jan. 7.30pm.

Dear Mr Taylor,

Firstly, may I apologise once again for the delay in responding to your enquiry. I do hope that it hasn't caused too much inconvenience.

As discussed on the telephone, please find attached the web page for the Big Lottery Fund's Community Buildings Programme.

Although Laverton Hall is obviously of clear heritage merit, if the emphasis of the project is the upgrading of facilities and refurbishment to improve and increase its general use by communities, then the Heritage Lottery Fund is not the best funder. I would suggest talking to the Big Lottery Fund to see whether it would fit within what they can fund. It seems as if this project has the potential to fit within the aims of the Community Buildings Programme, but they would need to advise. As we discussed this afternoon, if they say that they would be unable to help, then please come back to me and we'll talk further.

Our priorities for funding focus more on the restoration of the heritage, and learning about and access to the heritage. We would be able to look at a project to increase understanding about Laverton and the history of Westbury in a project separate from the Big Lottery Fund and the refurbishment project in due course.

I'm sorry this advice is not more positive, but wish you every success.

Yours sincerely

Nerys Watts
Regional Manager, South West

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Denton, Pam

From: Sue & Ian Taylor [mailto:ianstaylor@gmail.com]
Sent: 26 November 2011 07:48
To: Gill
Cc: [REDACTED]

Subject: Re: Laverton GIG Agenda for 6.30pm Wednesday 7 December
Attachments: WHN letter 2.doc; HLF and BLF bids 2006, 20077.doc; LTIMC Chairmanship 2007 to 2009.doc

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Gill et al,

Thank you for the agenda. I look forward to the meeting and to further supporting The Laverton.

Since receiving your invitation I (and et al) have had Russell's email. Sorry about this but I feel obliged to take up the cudgels once more. I hope you find my contributions beneath at least amusing, succinct and informative. I had hoped Attachment ! would appear in the last issue of the White Horse News but that didn't happen.

Regards to all

Ian taylor

On 25 November 2011 09:35, Gill <[REDACTED]> wrote:

Dear Colleague

Please find attached agenda.

Best wishes

Gill

--
Church House

Church Lane
Westbury Leigh
BA13 3TR
Tel. 01373 822659

**Church House
Church Lane
Westbury Leigh
Wiltshire
BA13 3TR
01373 822659**

The Editor
White Horse News

12th November 2011

Dear Sir,

I'm writing to you to admit defeat in my efforts to ruin The Laverton .

Westbury's own dynamic duo, Messrs Hawker and Parker foiled my key strategy, i.e. to divert all bids for restoration funding to Santa Claus at the North Pole. My other idea, to put back the project by several years, failed when I couldn't fit the Hall into my time-machine. Finally I admit my other schemes to ensure the Hall's downfall, such as locating it on an awkward bend of a busy road and preventing it from having it's own car-park, have not really worked out.

From now on I will concentrate my energy on prayer and good works, possibly drowning kittens and breaking children's toys in my spare time.

Ian Taylor

The HLF and BLF bids

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

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

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

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

Introduction, paragraph 5

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

3.3 Proposed Refurbishment Project

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

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

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

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

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

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

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

- e) Refurbished Kitchen (including upgrading of equipment to modern standards);
- f) Refurbishment of Bar Room;
- g) Refurbishment of Lounge / Meeting Room;
- h) Refurbishment of the Dressing Room;
- i) Refurbishment of the Main Hall (mainly redecorating);
- j) Refurbishment of the Reading Room (as the Hall Manager’s Office);
- k) Refurbishment of the Lower Hall (currently the Snooker Hall);
- l) Installation of new modern central heating boiler and new pipe work and radiators throughout.

None of the proposed works involves creating new accommodation or new facilities. It is all intended to bring existing accommodation back into good condition at an acceptable modern standard, so that the facilities are widely attractive to the public.

King Sturge have prepared an Outline Schedule of Works for the above items e – k.

LTMC proposes to now proceed to obtain fresh tenders for all the works in one go. This entails the outstanding maintenance and repair works (from the Condition Survey Report) and all works listed above from a – 1 inclusive.

For budget purposes in this business plan, the following estimates have been made:

Original February 2005 best tender £190,120.94 now say, £ 210,000

Pre-tender estimates for works e – 1 listed above £ 121,000

Professional Fees and contingencies £ 19,000

Total Estimated Cost of Refurbishment Project £ 350,000 plus VAT.

Q6

Describe briefly what your project will do and what you will spend our grant on (up to 150 words).

We plan to restore Laverton Hall, a listed victorian hall built in venetian gothic style, so it can fully meet its original purpose (see below).

Although 'The Laverton' has been improved in recent years to meet regulatory standards, work is needed to enhance its facilities so that it can attract and serve the entire community. An HLF Grant will be spent on a major comprehensive refurbishment of the fabric of the building. In addition to the refurbishment of five principle rooms, the kitchen, two WCs and the central heating system, work will include the purchase and installation of a platform lift to the 1st floor where the Main Hall is located.

Q7

Please tell us why you believe that your project is relevant to the heritage (up to 150 words).

The Laverton was gifted to the people of Westbury in 1886 by Abraham Laverton. Mr Laverton was a mill-owner, a leading member of Westbury society and noted philanthropist. He gifted several buildings to the town, the most distinguished being the Hall which became known as The Laverton. He intended that it should be a community centre for the use of the inhabitants of the town without distinction of political, religious or other opinions, including use for meetings, lectures, classes and other forms of recreation and leisure-time occupation. Much of Westbury's 19th Century history derives from Mr Laverton's industry and philanthropy and The Laverton in many ways is Westbury's heritage made manifest. Our project will ensure the continued use, maintenance and enjoyment of The Laverton and by doing so will help the whole community celebrate that heritage.

5th Jan. 7.30pm.

Dear Mr Taylor,

Firstly, may I apologise once again for the delay in responding to your enquiry. I do hope that it hasn't caused too much inconvenience.

As discussed on the telephone, please find attached the web page for the Big Lottery Fund's Community Buildings Programme.

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Our priorities for funding focus more on the restoration of the heritage, and learning about and access to the heritage. We would be able to look at a project to increase understanding about Laverton and the history of Westbury in a project separate from the Big Lottery Fund and the refurbishment project in due course.

I'm sorry this advice is not more positive, but wish you every success.

Yours sincerely

Nerys Watts
Regional Manager, South West

Chairmanship, LTMC June 2007 – March 2009

I was elected to WTC in May 2007 and as Chair of the LTMC in June. I immediately put in place the following:

1. I invited Peter Ezra, who opposed the council's trusteeship of the Hall to join the committee and its Project Group.
2. I persuaded the Project Group (see Attachment 1) to address the following contentious issues:
 1. Dissolution of the Trust & Hall disposal process (Peter Ezra)
 2. Additional/alternative sources of funding (Russell Hawker but see Attachment 2)
 3. Future management organisation (Horace Prickett)

I reviewed the Hall's finances and recommended to WTC Management Committee that we make the hall manager and her assistant redundant, see Attachment 3.

Peter Ezra identified and described the steps necessary if WTC determined to dispose of the Trust. Russell produced nothing. Horace Prickett and I developed an options paper to put before the WTC outlining alternative ways forward for the Hall.

In September Russell went ballistic, see Attachment 4.

In November 2007 we held an extraordinary meeting of the WTC to examine and agree on a way forward for the Hall, see Attachment 5. The council voted, as recommended by the LTMC, to agree to option 4 and to continue to be the Trustee. Also in November 2007 we received advice from Stone King solicitors in reference to termination of the snooker club tenancy, see Attachment 6.

Throughout 2008 the LTMC focussed on:

1. Resolving the snooker club issue
2. Identifying short-term hall repair and maintenance needs (Wind & Water-proofing)
3. Exploring with John Parker ways and means of achieving Hall renovation
4. Stabilising the financial relationship between the Trust and the WTC

By July John Parker had begun work re renovation needs/funding sources and we resolved to remove the snooker club and use the space for new WTC accommodation, see Attachment 7. A new future management structure was devised for discussion, see Attachment 8.

By November much progress had been achieved, see Attachment 9. I continued in the chair until March 31st 2009 when I resigned due to ill health.

LITMC Chair report to WTC 29th June 2007

BLF Application (copy available in Clerk's office)
Stage One bid decision expected mid-September

Project group tasks begun (results to be ready for LITMC use by October)
Dissolution & disposal process (PE)
Additional/alternative sources of funding (RH)
Future management organisation (HP)

Nothing further to report

9th June 2007 Email to me from Russell

This is a very difficult time for me to get anything done quickly, which is the only reason I did not put myself forward for chairman of the Laverton committee. As you know, I see you as the best alternative (once you get up to speed I think you will be excellent).

STRICTLY CONFIDENTIAL

29th June 2007

To Messrs

C Finbow, Mayor, WTC
M Hawkins, Deputy Mayor, WTC
D Hulin, Chair, HPD Committee, WTC
H Prickett, Chair, GP Committee, WTC

cc Les Fry, Town Clerk and RFO, WTC

Laverton Institute

As the recently elected Chair of the LITMC I have reviewed the Trust's current status and in particular its financial position. I now believe that position can radically be improved.

Given that their current and foreseeable activities have a negligible effect on the Hall's income I have concluded the continued employment of Helen McKinnon and Peter Ferguson is not in the best interests of the Charity nor a prudent use of WTC resources. They should be made redundant forthwith.

Without Helen and Peters costs, as the attached spreadsheet shows, the Charity and the Council could be expected to achieve a sustainable medium-term financial relationship. From that base-line the Hall's long-term viability, arising from refurbishment, and its subsequent fitness for purpose and marketability becomes at least possible.

For those reasons I ask you to consider and act on my recommendation as soon as possible.

Yours faithfully

Ian Taylor
Member, Westbury Town Council and Chair, LITMC

Attachment 3

Emails from Russell to everyone

25th September

It is my contention that Ian has systematically destroyed the project, as fully described in the current adopted business plan, through misleading the "committee" about what he can do for the committee, which is what he was co-opted to do in the first place last Autumn.

It is abundantly clear that Ian has misled the committee and council on numerous significant issues about the credibility of the project (as set out in the current business plan). At this stage, I am not saying that Ian has deliberately set out to mislead or destroy progress. I am open to the idea that Ian simply never understood what he was doing properly enough and is now simply acting in response to what he sees as everyone else's failings.

I am setting this out in writing so that my position is clear and recorded.

I will be campaigning to save The Laverton from the likes of Ian and you can expect a well-written report from me in response to the options report when it comes out.

8th October

Ian Taylor should be removed from the Laverton working group due to the incredible damage he has caused to the project, involving clear loss of reputation with key funding sources, as a direct result of his incompetent and reckless approach to the job required to secure crucial funding.

It is incredible that Ian Taylor actually has not the slightest embarrassment at the colossal damage and display of incompetence he has shown after he himself offered to project manage the job of obtaining funding last Autumn despite knowing nothing about the project.

Ian Taylor is not fit to act as a spokesperson for the project team, not least because of his vested interest in covering up the damage he has himself caused to the project.

I am more qualified to handle the project than everyone else in the council put together.

Attachment 4 page 1 of 2

Later on 8th October

As far as I am concerned, I am still the person who most understands the project properly.

13th October

I am reminded of when Ian Taylor joined the working group to handle the funding application last Autumn. I am told that instead actually getting on with the job, he simply went into a robotic re-organisation and over-administered the job by breaking things up into groups with jobs given to each member of the whole working group. Apparently, this failed to produce any result at all. Not a surprise to me, but it seems that the lesson was not learnt.

We need to root out the main source of ineptitude in this project as soon as possible.

Report to Westbury Town Council concerning the Laverton Hall
November 2007

Introduction

The Laverton Business Plan was signed off by WTC in September 2006. The Plan commits WTC to substantial funding support for the Hall until lottery-funded grants enable major refurbishment including required repair and maintenance. It was intended that such works would lead to substantial improvement of the Hall's rental income and eventual financial viability. However an application to the Big Lottery Fund (BLF) has been rejected (see Appendix 1).

Given the above, WTC is asked to review the Hall's current status and direct the LITMC on a course of action. The following proposes a decision needed now and options for the Laverton's long term disposition.

Decision needed now

- 1. Stay as is re staff and Snooker Club, abandon refurbishment project (see Appendix 2)**
- 2. Stay as is re staff and Snooker Club, find funding for refurbishment project (see Appendix 2)**
- 3. Reduce costs, increase revenue, abandon refurbishment project (see Appendices 3 and 4)**
- 4. Reduce costs, increase revenue, find funding for refurbishment project (see Appendices 3 and 4)**

Long-term options

WTC remains Trustee, accepts need for long-term subsidy of Hall
Transfer Hall to new Trustee
Sell Hall, wind up Trust

Issues

Funding of required Repair and Maintenance (see Full Survey and Business Plan)
Terms offered by WTC to any new Trustee
Conditions of Sale if Hall put on the market (see Appendix 5)
Use of proceeds arising from sale of Hall
Possible WTC move from the Hall
Possible purchase of the Hall by WTC

Potential opportunity

Leigh Pickering, landlord of Horse & Groom Public House, has substantial experience of providing bar facilities for Laverton Hall social events. He has proposed, in principle, an agreement whereby he would market, manage and run all social events at the Hall without a fee in exchange for the opportunity to earn profit from the revenues generated by events undertaken.

APPENDICES

- 3. HLF Pre-application and emailed rejection, BLF application response**
- 4. Financial Forecast – Stay as is re staff and Snooker Club**
- 5. Financial Forecast – Reduce costs, increase revenue**
- 6. Stone King advice re Snooker Club**
- 7. King Sturge advice re sale of Hall**



Strictly Private & Confidential

Leslie Fry
Town Clerk
Westbury Town Council
The Laverton
Bratton Road
Westbury
Wiltshire
BA13 3EN

Our Ref : NW/MGB/jbd/58911/1
Ext. No : 202
Direct Dial : 01225 324481
E mail : mgb@stoneking.co.uk
Your Ref :
Date : 29 November 2007



Dear Les

The Laverton Institute Snooker Club ("the Snooker Club")

It was good to meet you and Mr Taylor today. As you know this matter has been going on for a long period of time so I felt it would be useful to draw together previous advice along with points that arose out of our meeting today. This will enable us to have a clear idea of where we are heading and the action agreed to move this matter forward.

At present the Snooker Club is holding over pursuant to the lease entered into on 18th May 1993. The current rent that is paid by the Snooker Club is well below what is considered a true commercial rent which I understand is between £8,500 to £10,000 (on the advice of Sandoes Chartered Surveyors back in January 2007).

Termination

For ease of reference I enclose letters dated 1st April 2004, 24th August 2004 and 24th September 2007 which set out the steps required to terminate the lease in detail. To sum up, in order to terminate the lease (whether the Council oppose a new Lease or not) a formal prescribed form of Notice must be served on the Snooker Club giving not less than 6 months notice prior to a date of termination. If a new tenancy is to be unopposed we will have to serve a s.25 Notice setting out the Heads of Terms of the new Lease (with revised term/rental etc) and state that you are not opposed to a new lease. If you wish to oppose a new lease, again we would have to serve a s.25 Notice setting out the grounds on which we oppose the Lease (please see letter of 24th September setting out s.30 Landlord & Tenant Act 1954 in more detail).

It appears that ground under s.30(f) 'that the Landlord intends to demolish or reconstruct the premises, or a substantial part of those premises and cannot reasonably do so without obtaining possession of the holding' would be most appropriate in the circumstances if you were to oppose a new Lease. However, as stated previously (see letter of 24th August 2004) to do this the intention must be genuine, firm and settled, therefore it would be prudent to have all the necessary plans, specification, drawings and finance in place.

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Laverton Report July 2008

Heritage Lottery Fund bid

John Parker, WTC Project Manager has produced an interim report which has been discussed by the working group. We will meet with John in the near future to discuss next steps.

Question & Answer Session 29th May

See Report attached

Snooker Club – planning application for change of use

An application for listed building consent has been submitted to WWDC

Hirings update

The Hall has been very busy due to the Bypass Enquiry. Given that this overlaps with the Street Fayre and the Hall's use by other hirers, the additional workload on the Town Clerk and his staff has been very considerable and is much appreciated. As agreed, a detailed report on hirings will be produced for Council in October.

'Wind & Waterproof' evaluation and cost estimate

See the Question & Answer Report, paragraph 4. It was agreed this should be commissioned as soon as possible.

Approach to a 'normal' Trust/MC structure July 2008

Target

Trustee

Committee - RFO, representative Councillor, Chair of LITMC, co-opted other/s if needed, eg Heritage expert

Responsibilities - RFO co-signs payments made by Trust from Trust funds together with Chair, LITMC; Committee sets policy, e.g guidance on grants made by Trust; agrees Trust financial management and budget, hiring and firing of staff, major works; manages relationship between Trust and WTC.

LITMC

Committee – Chair, Secretary, Treasurer, Booking Clerk, Caretaker, representative Councillor, volunteers

Responsibilities – Day-to-day running of Hall including bookings, accounts, cleaning, repair & maintenance, minor works, Hall tariffs, funding operations e.g HLF

Process

Outline agreement between RFO and IT

Agreement , sign-off by LITMC

Agreement by WTC

Set up financials

Co-opt future Chair, assign other 'officer' roles, recruit volunteers

Adopt new structure

Laverton Report November 2008

a) Possible future development of the Hall - John Parker's Report

John has done an excellent job and we support the positive way forward he proposes. It should be noted that the cost of the activities for which approval is requested are modest and included in the 2009/10 budget proposed below. The committee commends the Report to the Council.

b) Conversion of Snooker Club space into office accommodation for WTC's own use

Following the granting of planning permission, the Committee recommends the Snooker Club's lease be terminated and the proposed work be undertaken as soon as possible. The space currently occupied by the Council is inadequate for its purpose and some portion of the increased capacity will be occupied as soon as it is available; the remainder will be put to either Council or community hire use. It should be noted that the additional cost in Council rent proposed in the 2009/10 budget for this extra capacity is fully off-set by an equivalent reduction in the Council Grant requested, compared to previous years. The Committee ask the Council to approve this recommendation.

c) Laverton Budget

In 2007/8 the Laverton cost £61,000, over-spending an approved budget of £52,000. Hall Hiring income and Snooker Club rent raised about £10,000. The remaining £51,000 was supplied by the WWDC (£10k) and Westbury Council.

Also in 2007/8 the Council agreed to make redundant the two staff members who managed the Hall. It also agreed in principle to termination of the Snooker Club lease and approved the un-supervised use of the Hall by suitable Hirers. These actions are having a profound effect on the Hall's current and future finances.

This year, 2008/9, the budget is £38,275, a reduction of almost £14,000 from last year's budget. Given £25,000 from the Council and over £5,000 from WWDC, together with Hall Hirings to date, including the Public Enquiry, and committed bookings to March 2009, we expect to stay within this planned expenditure. This year has been exceptionally costly. Utility costs have rocketed, and provision for legal costs and repair and maintenance account for almost half the total budget; both these items are reduced to more normal levels in the proposed 2009/10 budget.

Our proposed 2009/10 expenditure is just under £31,000, a reduction from this year of more than £7,000 and half the spend in 2007/8. Given our projected income from this year's Hall Hirings, a target for 2009/10 of £6,000 seems achievable. We propose the remaining £25,000 costs are met by the Council but that, rather than paying £10,000 in rent, utilities, cleaning and use of this Hall and a Grant of £15,000, the distribution should be in the form of £20,000 for the entire ground floor plus a Grant of £5,000. Note that prior to this year the Laverton has cost WWDC and the Council an average of £42,000 per annum since we took on the Trusteeship.

Attachment 9, page 1 of 2

This new funding arrangement is intended to achieve a sound basis for the Laverton's finances in the future. The cost to the Council is in my view the minimum that is prudent whilst yielding the best value possible. It provides the opportunity for the Trust to increase Hall Hirings and thereby to reduce, then eliminate the need for a Grant. If in future the Council decides to invest in the development of the Hall, say by the installation of a lift or by pursuing the possibilities outlined in John Parker's report then so be it. Nothing that the Council is being asked to commit to tonight prevents these options, nor does it require their undertaking. I commend the proposed budget to the Council.

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Investigating Officer's comments re Councillor Hawker's response to report

1. Councillor Hawker's right to criticise.

Councillor Hawker has the right to criticise the actions of other people, and the right to express his opinions. This right is enshrined in paragraph 10(1) of the European Convention on Human Rights, Freedom of Expression. The Investigating Officer strongly supports this right. However, it is not an absolute right; paragraph 10(2) of the European Convention on Human Rights gives examples where the freedom of expression may be subject to restrictions.

2. Councillor Hawker's evidence

In his response Councillor Hawker has included 'My new evidence and my conclusions'. The new evidence consists of 3 email dialogues from John Parker, Mike Hawkins and Charlie Finbow.

In their dialogues Mr Hawkins and Mr Finbow say Mr Taylor claimed he could obtain grants and that he was the right man for the job (obtaining grants for the Laverton Project). They also both agree that no grants were obtained whilst Mr Taylor was in charge, or any forward progress made.

Councillor Hawker has also included an email dialogue from John Parker, to whom Councillor Hawker refers as an expert witness. Councillor Hawker states '*John Parker makes it clear that HLF grants – or other grants – could have been achieved if the project had been managed in the right way.*' This is Mr Parker's belief as held in his answers to Questions 10 and 15 in the email.

3. Justification of criticism

There are grounds and evidence that suggest Councillor Hawker was justified in some criticism of Mr Taylor's actions e.g. there is evidence to suggest Mr Taylor was introduced as, or said himself, he was the right person to apply for and obtain grants for the Laverton Project. However, Mr Taylor failed to obtain grants.

The Investigating Officer agrees Councillor Hawker had grounds for criticising Mr Taylor's actions.

4. Terms and phrases used by Councillor Hawker

Councillor Hawker has used the following terms in regard to Mr Taylor –

'Ian Taylor actually did destroy the project....' (Appendix E1, page 108)

'Pack of lies that Ian Taylor recently stated...'

'Ian Taylor is a bare faced liar and deceived the council....'

'Based on a string of lies and his own muddles and nonsense.....'

'...a string of deceptive manoeuvres...'

'Statements designed to confuse everyone...'(Appendix H1, page 146)

'It was clear to me that the committee was being hoodwinked by a fraudster.'

‘..it was all a series of manipulations and nonsense designed to cover his own errors and confuse the whole of the rest of the council...’(Appendix I2, page 150).

5. Evidence relating to the above claims

The evidence provided by Councillor Hawker and obtained during the course of the investigation does not show Mr Taylor lied, is a bare faced liar, was deceptive or deceived the council, that Mr Taylor hoodwinked anyone or was fraudulent. There is no evidence that Mr Taylor destroyed the project, or that he confused the council.

6. The Adjudication Panel Case, APE 0441, Councillor Whipp

Councillor Hawker believes the above case relates to the complaint and investigation made against him. It does not.

In the Councillor Whipp case there was evidence to suggest the people, whom Councillor Whipp called liars, had lied. Comments had been made in a leaflet regarding expenses claimed by another councillor. The comments had been investigated by the Police; it appears there had been an admission the comments were wrong; and the police had referred the case to the Crown Prosecution Service. The Adjudication Panel in paragraph 15 of their decision (Appendix B4, page 55) said the question that should have been explored was whether the persons responsible for the leaflet had deliberately and knowingly included false information in the leaflet, or whether it was simply a genuine error which could reasonably be explained. If the answer to the first part of the question was ‘yes’, then Councillor Whipp was not being disrespectful.

In the Councillor Hawker case there is no evidence that Mr Taylor deliberately and knowingly gave false information. Mr Taylor may have been introduced, or may have said himself, that he was the right person to apply for and obtain grants, and then failed to do so, but there is no evidence that he deliberately and knowingly gave false information, that he lied, hoodwinked, defrauded or deceived.

7. Unreasonable or excessive personal attack

The Standards for England guidance relating to the Code of Conduct paragraph 3(1) ‘You must treat others with respect’ includes *‘Ideas and policies may be robustly criticised, but individuals should not be subject to unreasonable or excessive personal attack.’*

The European Convention on Human Rights, Article 10 Freedom of expression (1) states *‘Everyone has the right to freedom of expression’.*

Article 10(2) includes - *‘The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions restrictions or penalties as are prescribed by law and are necessary in a democratic society....for the protection of the reputation or rights of others.....’.*

Paragraph 10 of the European Convention on Human Rights allows freedom of expression and gives a higher level of protection to political statements. However part (2) allows interference with freedom of expression for the protection of the reputation or rights of others.

Page 15 of Councillor Hawker's response includes comments relating to paragraph 7.13.4 of the report. Councillor Hawker states '*Therefore, my political comments are protected by freedom of speech. This whole saga revolves around local politics and me telling the truth*'. Whilst political comments may be protected under both the Code of Conduct and the European Convention on Human Rights, the terms and phrases used by Councillor Hawker (see paragraph 4 above) are not political comments, or criticisms of ideas and policies, but are an unreasonable, excessive personal attack which sought to damage the reputation of Mr Taylor.

Specific points raised by Councillor Hawker in his response –

Page 8, points

6.11.1 – agreed

6.11.2 – agreed

6.11.3 – agreed

6.11.4 – agreed

Page 9 point 6.11.7 '*Her pseudonym of 'Indie' is basically reflecting her real role as an independent councillor*'. This is Councillor Hawker's opinion; it is not an opinion of the Tribunal and does not appear in the decision notice.

6.11.8 '*...neither the forum nor the thread in question refers to me by name....*' See the report, page 10, paragraph 6.11.6 and appendix E, page 108, a post from Mike Hawkins starts '*Thanks for this Russell....*'

Page 11 points 6.18.7 and 6.18.8 '*Notes (not minutes)...*' – agreed.

Page 17, paragraph 7.17.1

On the 24th November 2011 Councillor Hawker sent an email to the Westbury Town Clerk and the Assistant to the Town Clerk. Councillor Hawker states that his words can be justified. The email contains the phrases 'pack of lies', 'bare faced liar', 'deceived the council', 'string of lies', 'his own muddles and nonsense', 'deceptive manoeuvres'. Councillor Hawker has not shown justification for these phrases.

Councillor Hawker has further claimed the email was a private discussion between him and two council officers. It is my belief that when sending the email Councillor Hawker was acting in his capacity as councillor (see paragraphs 6.15.2 and 6.15.3, pages 12 and 13 of the report).

Also see Standards for England online case review which includes the following question regarding official capacity –

Q11: Do private discussions about authority business come under “official capacity”?

Standards for England is likely to view any private discussion of authority business, either with members or with the authority’s officers, as carrying out the business of the member’s office.

Only where there is very clear evidence that the conversation was not concerned with performing authority business will it fall outside paragraph 2(1) of the Code of Conduct.

Page 18

In his second to last paragraph on page 18, Councillor Hawker says *‘there is plenty of evidence available in the form of well known films that contain the phrase ‘I am such a fraud’*. However, Councillor Hawker fails to provide any examples of proof of this claim, and any such use would need to be considered in context of the situation, the dialogue, and the era in which the film was set or made.

Page 19 Point 7.13.3

Bullying

Councillor Hawker states *‘the guidance issued by Standards for England on the meaning of bullying is wrong’*.

The Standards for England definition of bullying (see appendix B3, page 51 of the report) aligns very closely with the ACAS (Advisory, Conciliation and Arbitration Service) definition of bullying as held in its advice leaflet ‘Bullying and harassment at work’.

‘How can bullying and harassment be recognised?’

There are many definitions of bullying and harassment. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient’.

On page 4 of his response, Councillor Hawker, in reference to paragraph 4.7 of the report and the Standards for England definition of bullying, includes the First Tier Tribunal decision in the Councillor Brookes case, LGS/2011/0537, paragraph 40. The First Tier Tribunal Panel decided they would not use the Standards for England guidance on bullying but instead the used narrower, Shorter Oxford dictionary definition – *‘to act the bully towards; to intimidate to overawe’*. The Councillor Brookes case was heard on the 15th August 2011, with a decision date of the 30th September 2011.

However, a subsequent First Tier Tribunal case did not to use the Shorter Oxford Dictionary definition, and instead used the Standards for England definition –

The First Tier Tribunal case reference LGS/2011/0572, Councillor Heath, Hearing date 22nd March 2012. Councillor Heath was alleged to have bullied Mr Wood, the Chairman of the Parish Council. Paragraph 4.2.2.1 of the decision quotes the Standards for England definition of bullying as held in the report, appendix B3 page 51-52.

The Tribunal in Paragraph 4.3.2.3 found Councillor Heath had breached the Code of Conduct, paragraph 3(2) You must not (b) bully any person.

Two other, subsequent, First Tier Tribunal cases appear to have used the Standards for England definition of bullying.

The First Tier Tribunal case reference LGS/2011/0562, Councillor Smith, hearing date 27th January 2012, decision date 7th February 2012. Councillor Smith was alleged to have bullied officers of the council in comments made on a Face Book site. The Tribunal decision in paragraph 48 said –

‘The Appellant used inappropriate language which was directed at identifiable officers of the Council. He called them liars, accused them of misleading consultees and rigging the outcome of the consultation, said that their reports and actions were criminal, accused them of waging war on the people of Prescot, said they were a disgrace and called for their resignations.....’

The Tribunal in paragraph 49 concluded that Councillor Smith had bullied staff.

The First Tier Tribunal case reference LGS/2011/0558, Councillor Nash, hearing date 16th – 18th January 2012, decision date 25th January 2012. Councillor Nash was alleged to have bullied the Clerk, Mrs Dury. The Tribunal stated –

144 Applying the objective test, the Tribunal reaches the same conclusion in the present case: ‘the words and writing of the Appellant amounted to no more than expressions of personal anger and personal abuse and did not constitute political expression which attracts the higher level of protection.’ In these circumstances, it is a proportionate interference with the Appellant’s freedom of expression to find that he has breached the Code of Conduct.

145 The Tribunal find that the Appellant, by his inappropriate and inexcusable behaviour, failed to treat Mrs Dury with respect and amounted to bullying. He is in breach of paragraphs 3(1) and 3(2)(b) of the Code of Conduct.

Appendix A Findings of Fact

Pages 19 - 20

19. Agreed

22. Councillor Hawker’s initial post was not in response to a question.

Councillor Hawker goes on to mention – the Laverton launch event and his speech, the organisation of the event, the actions of Bill Braid and Ian Taylor, the work carried out by John Parker, the appointment of a new marketing manager, Councillor

Andrew's actions as the previous Chair of the LITMC, and Councillor Hawker uses the term 'we' when describing the actions Westbury Town Council or the LITMC.

23. Although Councillor Hawker's footer states he is in his private capacity, the content of the posts suggests otherwise.

56. Councillor Hawker was not present at the LITMC meeting held on the 1st November 2006; the report does not say that he was.

57. The notes of the LITMC meeting held on the 1st November 2006 strongly suggest that it was not Mr Taylor who set the theme of the grant applications.

From: Gibbons, Ian

Sent: 19 March 2013 08:42

To: F M; Williams, Christopher; Greenman, Howard; Caswill, Chris; Cain, Frank; Wiltshire, Roger; Denton, Pam; Caroline Maddocks; Russell Hawker; Ian Taylor; Colin Malcolm

Subject: RE: Standards Hearing Sub-Committee meeting - Wednesday, 20 March 2013 - Agenda Item 5 - WC 03/12 Standards Complaint - Preliminary hearing

Dear All,

Further to recent correspondence from Mr Morland on behalf of Councillor Hawker I attach a note of the preliminary issues which are to be considered at the preliminary hearing tomorrow.

Mr Morland has circulated his e-mail correspondence covering the points he wishes to raise, including his e-mail below.

Yours sincerely,

Ian Gibbons

Director of Law & Governance
and Monitoring Officer
Wiltshire Council
Tel. 01225 713052

PA. joanna.smith@wiltshire.gov.uk

From: francismorland

Sent: 18 March 2013 15:24

To: Gibbons, Ian

Cc: Williams, Christopher; Greenman, Howard; Caswill, Chris; Cain, Frank; Wiltshire, Roger; Denton, Pam; Caroline Maddocks; Democratic and Member Services; Russell Hawker

Subject: Standards Hearing Sub-Committee meeting - Wednesday, 20 March 2013 - Agenda Item 5 - WC 03/12 Standards Complaint - Preliminary hearing

Dear Monitoring Officer,

For the reasons set out in my e-mails below sent 27 February 2013 and 1 March 2013, I wish on behalf of the Subject Member to lodge a formal objection to the circulation with the Agenda for a meeting of the Standards Hearing Sub-Committee on Wednesday, 20 March 2013 of the Report dated 24 August 2012 (at pages 1 to 158).

Furthermore, the Monitoring Officer's Report on Agenda Item 5a (headed "Consideration of an investigator's report") fails to point out that all the powers referred to therein given to Wiltshire Council by the Local Government Act 2000 (including the 2007 Model Code of Conduct) were repealed on 1 July 2012 and have no on-going effect at all.

Accordingly, there was no power extant on 24 August 2012 to issue the Report of that date and there is no power to consider it further for any purpose whatever.

What is described in the Monitoring Officer's Report at [8] and what is said to be "required" of the Hearing Sub-Committee at [9] are outside the only remaining power of Wiltshire Council to consider and determine the complaint in question pursuant to Section 28(6) of the Localism Act 2011 and are therefore ultra vires.

For the same reasons, the Investigating Officer appointed by the Monitoring Officer under Section 82A of the Local Government Act 2000 became functus officio on 1 July 2012, but even if that had not been the case, he would have become functus officio once he issued the Report dated 24 August 2012.

Accordingly, the circulation of a document headed "Investigating Officer's comments re Councillor Hawker's response to report" with the Agenda (at pages 252 to 257) is improper.

In any event, it is also manifestly unfair (by reason of it raising fresh (or revised) allegations and putting forward additional evidence at the very last moment (see Agenda Item 5b at [2.14] on page 259), which the Subject Member has had no proper opportunity to consider or respond to).

I understand that the Independent Person appointed by Wiltshire Council (pursuant to Section 28(7) of the Localism Act 2011) to assist the Subject Member is unable to be present at the time stipulated for the meeting of the Standards Hearing Sub-Committee. In these circumstances, I do not see how she will be able lawfully and fairly to carry out her statutory duties referred to in the Arrangements for dealing with Code of Conduct Complaints under the Localism Act

2011 at [2.5] and [2.6] (see Agenda Item 5b at page 259), nor those stipulated at [8.12] and [8.16] of that document (at page 263).

These requirements appear to me to make the absence of the appointed Independent Person from any part of the Hearing as fatal to its lawful and proper functioning as the absence of any Member of the Hearing Sub-Committee itself.

Please advise.

Yours sincerely,

Francis Morland

Dead Maids Close Chapmanslade Westbury Wilts. BA13 4AD

From: FM

To: christopher.williams@wiltshire.gov.uk; howard.greenman@wiltshire.gov.uk; chris.caswill@wiltshire.gov.uk; ian.gibbons@wiltshire.gov.uk; frank.cain@wiltshire.gov.uk; roger.wiltshire@wiltshire.gov.uk; pam.denton@wiltshire.gov.uk; Caroline Maddocks; committee@wiltshire.gov.uk

CC:RH

Subject: Standards Hearing Sub-Committee meeting - Wednesday, 20 March 2013 - Agenda Item 5 - WC 03/12 Standards Complaint - Preliminary hearing

Date: Sat, 16 Mar 2013 16:15:33 +0000

Dear All,

For information, please find below a thread of e-mails relating to this matter, of which those sent 27 February 2013, 1 March 2013, 2 March 2013 and 6 March 2013 (two) respond to the Monitoring Officer's e-mail sent 22 February 2013 requesting details of the points the Subject Member wishes to be considered at the preliminary hearing.

Kind regards,

Francis Morland

Dead Maids Close Chapmanslade Westbury Wilts. BA13 4AD

From :Francis Morland

To: ian.gibbons@wiltshire.gov.uk

CC: Russell Hawker; committee@wiltshire.gov.uk

Subject: WC 03/12 Standards Complaint

Date: Wed, 6 Mar 2013 18:28:46 +0000

Dear Mr Gibbons,

In your e-mail sent 08 February 2013 10.43, you said:

I recognise that you wish to introduce evidence pre-dating the period covered by the complaint and the investigation report as part of your defence. The Hearing Sub-Committee will, therefore, be invited to consider this as a preliminary issue, along with any other preliminary issues that need to be determined in order to ensure that the hearing of this matter proceeds fairly and efficiently from here.

and in a reply by e-mail sent the same day, the Member said:

*I think it would be best to have a **completely separate preliminary hearing** as soon as possible to deal only with procedural and fairness issues and also the central issue of whether it is relevant to consider the truth and the background history that I mentioned in my Laverton Re-Opening speech in relation to Freedom of Expression situations.*

In the Report dated 24 August 2012, under the headings 7 Reasoning and 7.1 Matters that fall to be considered in the investigation, is the following comment [7.1.1]:

It is not the place of this investigation to make such a decision (namely "whether or not Mr Taylor, as per Councillor Hawkers allegations, had lied whilst a member or Chair of the Laverton Institute [Trust] Management Committee").

It is well-established law that it is not the proper function or purpose of the 2007 Model Code of Conduct to give a complainant an alternative remedy to an action for defamation (see for example [11] of the First-Tier Tribunal decision

in the Brookes case LGS/2011/0537 made on 16 November 2011). Such an alternative remedy is not "necessary in a democratic society" and hence would be entirely contrary to the very high priority given to the protection of Freedom of expression rights by Article 10 (see [32] of the Jerusalem case and [83] of the Calver case).

However, that cannot deprive the Member of the defence of justification (ie demonstrating the truth of what is susceptible of proof and the Value Judgment status of what is not) to a written allegation that he has breached the 2007 Model Code of Conduct.

At [7.1.1] the Report not only rejects this entirely, but it is elsewhere not even neutral or even-handed on the matter and takes every opportunity to cast doubt on the truth of what the Member said (by way of example only and not exhaustively, see [7.2.4], [7.13.4], [7.14.4],[7.15.2], [7.17.6], [7.18.6], [7.19.1], [7.13.3] (on page 25), [8.2] and [8.3]), which of course utterly belies and undermines its assertion at [7.1.1] that the matter is properly outwith the scope of the investigation.

The failure of the Report to grapple with the truth issue has infected its whole text and deprives it of any underlying logic or intellectual rigour.

It should be noted that in the Calver case, the Adjudication Panel for Wales appears to have proceeded on the basis that what was said in the claimant's comments was true (see [72]), but it is open to question whether the Complainant in the present case would regard that as an acceptable approach for Wiltshire Council to adopt.

Alternatively, it would be open to you to decide that all or substantially all of what was the subject of the Complaint were Value Judgments which are not susceptible of proof, and thereby limit the scope of the further evidence required to establishing the truth of a small number of facts remaining at issue, the existence of which could then be demonstrated.

However, the Calver judgment comments (at [72]):

It suffices to say that restrictions on publication of both matters which are factual in nature and are demonstrated to be true, and of value judgments are generally difficult to justify under Article 10(2).

and at [79] points out that the statement given Article 10 protection in the Filipovic case was that the major was guilty of embezzlement, and in the Kwecien case that the head of local authority carried out duties ineptly and in breach of the law.

It is unfortunate that for easier understanding the Report dated 24 August 2012 does not include a table setting out the chronology of the events in question (a requirement for matters before the Administrative Court), but it is nevertheless clear that at the first available opportunity, the Public Forum of the 7 November 2011 meeting of Westbury Town Council, the Complainant identified himself as one of the un-named persons referred to in the Member's speech at The Laverton Re-launch Event, and, according to the script displayed at F3 on page 121 and the article that was subsequently published in the 24 November 2011 issue of the White Horse News (G3 at page 140), said:

Obviously, I found his remarks offensive and unnecessary. I thought his behaviour was inappropriate and loutish. Unfortunately that's nothing new. More importantly, his remarks were untrue.

In substance, his response was that the Member was a habitual lout and a liar; hardly a measured response to the unattributed comments of the Member he subsequently complained about (see A1 at page 34).

Furthermore and to be fair to the Complainant, such behaviour is by no means confined to the Public Forum of meetings of Westbury Town Council. At the meeting of Wiltshire Council on Tuesday, 26 February 2013, the Leader of the Council, Councillor Jane Scott, accused Councillor Jon Hubbard, Leader of the Liberal Democrat group, of "telling lies", and he accused Councillor Fleur de Rhe-Philippe, Cabinet member for economic development and strategic planning of "being wholly wholly dishonest".

In his Updated Response dated 14 November 2012, the Member drew your attention to comments on the meaning of the word "bully" and to the scope of paragraph 3(2)(b) of the 2007 Model Code of Conduct at [40] of the First-Tier Tribunal decision in the Brookes case LGS/2011/0537 made on 16 November 2011. It is worth me adding that in order to be compatible with the requirement in Article 10(2), any restrictions on freedom of expression must be "necessary in a democratic society" and that exceptions must be construed strictly, and the need for any restrictions must be established convincingly (see [32] of the Jerusalem case and [41], [42] and [44] of the Calver case). Hence where general or ambiguous words are used, such as "bully" in paragraph 3(2)(b) (and indeed similarly with "respect" in paragraph 3(1)), they must (contrary to the Standards for England guidance referred to at [4.7], [7.13.3] (on page 25) and B3 at pages 51 to 52 of the Report) be construed narrowly.

In many respects, all the witness statements supporting the Complaint (C1 at pages 67 to 69, C2 at pages 70 to 72, C3 at pages 73 to 74, C4 at pages 75 to 76 and C5 at pages 77 to 78) seem to follow a very similar pattern and bear a strong family resemblance to one another, and the copies of C4 and C5 in the Report are unsigned.

It will therefore be crucial at any hearing involving these witnesses to establish the full provenance of each of these statements, whether the witnesses co-operated with each other in their respective content, who drafted them, whether they were drawn from a common pro-forma, and if so what was its provenance. Ahead of that, please let me have copies of any recordings made of the interviews carried out with those witnesses, and of any notes made by them or the interviewer, contemporaneously or since, of what was said at those interviews. Please also let me have copies of any draft witness statements prepared and of any comments on them or changes to them made by the witnesses prior to their final form and content displayed in the Report.

I would also draw your attention to [26.3] of the Appeals Tribunal Decision of the Adjudication Panel for England in the Whipp case APE 0441 made on 14 September 2009 (see B4 at page 57).

Although the findings of fact in the Report are silent on the point (both those identified in the text of the Report in accordance with the explanation on page 8, and those in the Schedule of Finding of Fact in Appendix A at pages 27 to 29), it is suggested in the text of the Report (at [7.13.2]) that "Mr Taylor should be viewed as a member of the public". Nothing that the Member said in his speech at The Laverton Re-launch Event referred to any of the un-named persons in question "as a member of the public". The reasoning in support of this assertion is entirely inadequate and unsatisfactory.

Yours sincerely,

Francis Morland

Dead Maids Close Chapmanslade Westbury Wilts. BA13 4AD

From: Francis Morland
To: ian.gibbons@wiltshire.gov.uk
CC: Russell Hawker committee@wiltshire.gov.uk
Subject: WC 03/12 Standards Complaint
Date: Wed, 6 Mar 2013 10:08:27 +0000

Dear Mr Gibbons,

Although submissions of law are not restricted to any particular time in the hearing process, it seems to me that without a firm grasp of the underlying principles of the relevant law, a great deal of time may be expended on particular aspects of this case which turn out not to be the crunch issues.

My three previous e-mails below sent 27 February 2013, 1 March 2013 and 2 March 2013 respectively address the issues that arise from this case in an order of priority which I believe will assist that process.

The comments which follow are therefore all subject to the caveats which have already been raised and in particular that the 2007 Model Code of Conduct has been wholly repealed and is therefore no longer relevant to this case.

Whilst the detailed and excellent Member's Updated Response dated 14 November 2012 does highlight some of the key issues of law which would arise if, contrary to my submissions, the 2007 Model Code of Conduct is still applicable, it is based almost entirely on reported decisions of the Adjudication Panel for England in 2009 (APE 0421 made on 10 May 2009, APE 0427 made on 24 July 2009 and APE 0441 made on 14 September 2009) and of the First-Tier Tribunal made on 16 November 2011 (LGS/2011/0537), because those are the only cases mentioned in the Report dated 24 August 2012.

It is disappointing that the Report does not itself refer to any judgments of higher courts on the correct approach to the various statutory provisions concerning the 2007 Model Code of Conduct, and instead appears to treat snippets of text said to have been drawn from the former Standards for England guidance as determinative of the relevant issues.

The Member was entitled to assume that the Report would draw to both his and the former Standards Committee's attention the most authoritative and recent case law; it signally failed to do so.

The most recent of these cases I am aware of are:-

MC v Standards Committee of LB Richmond [2011] UKUT 232 (AAC), a decision of Judge Ward on 14 June 2011 and Calver v Adjudication Panel for Wales [2012] EWHC 1172 (Admin), a judgment of Beatson J. on 3 May 2012.

Both these cases cite and rely on a wealth of earlier case law of the higher courts.

The MC case stipulates how the official capacity provisions of the 2007 Model Code of Conduct should have been applied. The correct approach is carefully analysed and set out at [33] to [42] of that decision, and in particular it emphasises (at [39]) the narrow and free-standing ambit of paragraph 2(1)(b).

On the basis of that case, the Westbury Town Forums entries (see E1 at pages 105 to 113) were clearly not made in an official capacity, even if the footer invariably shown had not been attached to all the relevant posts.

Equally, the e-mails sent 24 November 2011 (see H1 at page 146), 25 November 2011 (see I1 at pages 147 to 149) and 26 November 2011 (see I2 at pages 150 to 151) and the letters published in the 6 December 2011 issue of the White Horse News (see G4 at page 141) cannot, in my opinion, stand as made in an official capacity on the basis of the MC case either.

That leaves only the Laverton launch event (probably, but not certainly - see 12 and 13 of my e-mail below sent 2 March 2013) and the Westbury Town Council meetings on Monday, 7 November 2011 and on Monday, 9 January 2012 as falling within the official capacity definition.

In passing, I would draw attention to [50] of the MC case, indicating that previous decisions of the First-tier Tribunal or its statutory predecessor (the Adjudication Panel for England) were there considered at best "helpful illustrations of some factual situations that might be encountered and of possible approaches to dealing with them".

The Calver case reviews in detail the case law on Freedom of expression, both under English common law and under Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, as incorporated into English law by Sections 3 and 6 of the Human Rights Act 1998.

The interpretation of the Welsh equivalent of the 2007 Model Code of Conduct must be compatible with the requirement in Article 10 that any restrictions on freedom of expression "are necessary in a democratic society" and hence must be construed strictly.

There is a very large amount of case law made by the European Court of Human Rights at Strasbourg on Article 10, of which the Calver case draws particular attention to:-

Jerusalem v Austria [2001] ECHR 122 (27 February 2001)

Kwiecien v Poland [2007] ECHR 4 (9 January 2007) and

Filipovic v Serbia [2008] ECHR 1892 (27 February 2008)

which address the enhanced level of protection given to political expression and the corresponding requirement that politicians must display a greater degree of tolerance (or have "thicker skins", as it is more colloquially described at [58], [81] and [82] of the Calver judgment).

The case law also draws a crucial distinction between Statements of Fact, the existence of which can be demonstrated, and Value Judgments, the truth of which is not susceptible of proof.

It is my submission that all or substantially all of the allegations made against the Member are in respect of what on proper analysis amount to Value Judgments, which are entitled to the enhanced level of protection, even though not susceptible of proof.

None of these crucial issues is adequately addressed in the 24 August 2012 Report, which does little more than mention Article 10 (at [4.8]), give its text (see B3 at page 52) and dismiss it as irrelevant (at [7.13.4]).

The case law shows that, far from being irrelevant, freedom of expression is in fact at the heart of this case.

More to follow.

Yours sincerely,

Francis Morland

Dead Maids Close Chapmanslade Westbury Wilts. BA13 4AD

From: Francis Morland

To: ian.gibbons@wiltshire.gov.uk

CC: Russell Hawker; committee@wiltshire.gov.uk

Subject: WC 03/12 Standards Complaint

Date: Sat, 2 Mar 2013 14:45:38 +0000

Dear Mr Gibbons,

I turn now to other problems with the content of the Report dated 24 August 2012.

I am unhappy that certain documents referred to in the text of the Report are either not listed at all in Appendix B (see pages 30 to 31) or are displayed in attachments to it which are either clearly incomplete or give the appearance of being incomplete. My list of these keeps increasing but currently stands as follows:-

[3.4] The document from which the advice of Frank Cain quoted is drawn is lacking.

[4.2] The Westbury Town Council adopted Code of Conduct from which Paragraph 2(1) is drawn is lacking.

[4.3] The Appeals Tribunal Decision displayed as B1 at pages 47 to 48 is clearly incomplete. So too is the First-Tier Tribunal Decision displayed as B2 at pages 49 to 50.

[4.4] The source of this is lacking.

[4.5] The document displayed as B3 at pages 51 to 52 is clearly not the Standards for England guidance document itself but an extract from it by an unknown hand which may or may not be complete and may or may not be the current edition. If it is to stand in the Report in place of the original documents it purports to represent, its full provenance needs to be disclosed.

[4.6] The source of this is lacking.

[4.7] As per [4.5] above.

[4.8] The document displayed as B3 at pages 51 to 52 is clearly not The European Convention on Human Rights document itself, so the same points as at [4.5] above apply.

[4.11] As per [4.3] above.

[6.11.7], [6.11.8], [6.17.2] and [7.3] As per [4.3] above.

[7.13.3] (at page 25) As per [4.5] above.

A6 at page 42 Incomplete.

D2 at page 98 Appears to be incomplete.

D7 at page 103 Incomplete.

F1 at pages 114 to 116 Incomplete.

F2 at pages 117 to 120 Incomplete.

F4 at page 122 Refers to Attachments 2 and 3 which are lacking.

J1 at pages 152 to 154 Incomplete.

A Schedule of Finding of Fact is displayed as Appendix A at pages 27 to 29. They are disputed as follows:-

12 and 13 Under Section 101 of the Local Government Act 1972, individual members of parish councils such as Westbury Town Council have no executive powers whatever, and for the avoidance of doubt, this applies just as much to the Mayor, and to chairman of committees, sub-committees and working groups (such as the Laverton Institute Trust Management Committee) as to any other member. Notwithstanding Finding 11 therefore, the only person capable of acting under the delegated authority of Westbury Town Council at the Laverton launch event was the Town Clerk.

14 The second part of this Finding is meaningless without a finding about precisely who present, or how many present, or what proportion of those present could so identify Mr Taylor, and by what means.

15 See Member's Updated Response dated 14 November 2012. Furthermore, this Finding is not justified in naming Mr Taylor without a finding of the exact words spoken, because the evidence indicates that Councillor Hawker's speech was critical of more than one person, none of whom were named. The Report does not analyse that evidence adequately.

16 This Finding is entirely unhelpful and unjustified. Before an audience of about 70-80 people, almost any speech by anyone of the length made by Councillor Hawker would cause upset to someone present. There is evidence that there was upset amongst some of those present at Councillor Hawker being permitted to make any speech at all (see

Findings 6, 7 and 27), and to its length and to other remarks in it which have no demonstrated connection whatever with the written allegation made by Mr Taylor.

17 to 23 Ultra vires.

19, 22 and 23 See Member's Updated Response dated 14 November 2012.

20 Inaccurately quoted (see E1 at pages 105 to 113).

25 This is only partially a finding of fact. The capacity in which Councillor Hawker attended is a finding of law.

31 For the avoidance of doubt, the evidence shows that the article in question was drawn entirely or almost entirely from material supplied to the White Horse News by Mr Taylor himself.

33 to 35 Ultra vires.

34 This is a finding of law, not a finding of fact (and in dispute).

39 This is a finding of law, not a finding of fact (and in dispute).

40 to 44 Ultra vires.

44 This is a finding of law, not a finding of fact (and in dispute).

45 to 49 Ultra vires.

47 This Finding appears to be directly contrary to the evidence (see G4 at page 141).

48 This is a finding of law, not a finding of fact (and in dispute).

51 This is only partially a finding of fact. The capacity in which Councillor Hawker attended is a finding of law.

54 A Finding about what the minutes show is not of much value.

55 This is not a proper finding of fact. The proper finding can only be that Councillor Hawker did not say what was alleged in the Complaint.

56 and 57 See Member's Updated Response dated 14 November 2012. Findings about what the minutes show are not of much value.

Bizarrely and confusingly, rather few of the Findings listed at Appendix A correspond exactly with the findings of fact italicised and underlined in the text of the Report itself (as stipulated at page 8), and in some cases the discrepancies are significant, substantial and may indeed even be crucial (by way of example only and not exhaustively see 13, 15, 23, 26, 27, 28, 35, 36, 39, 43, 44 and 52), and in one case, 57, there appears to be no corresponding finding of fact made in the text of the Report at all.

The Member is entitled to know precisely what are the findings of fact made in the Report dated 24 August 2012, and by reason of these discrepancies cannot do so.

More to follow.

Yours sincerely,

Francis Morland

Dead Maids Close Chapmanslade Westbury Wilts. BA13 4AD

From: Francis Morland
To: ian.gibbons@wiltshire.gov.uk
CC: Russell Hawker; committee@wiltshire.gov.uk
Subject: WC 03/12 Standards Complaint
Date: Fri, 1 Mar 2013 13:01:42 +0000

Dear Mr Gibbons,

Even if, contrary to my submissions by e-mail sent 27 February 2013 below, all of Wiltshire Council's previous powers

over this matter were not repealed on 1 July 2012 (along with its Standards Committee as then constituted) by the Localism Act 2011, the Report dated 24 August 2012 has a plethora of other shortcomings which cumulatively would, in my submission, have rendered it unfit to form the basis for consideration by Wiltshire Council's former Standards Committee pursuant to Regulation 17 of the Standards Committee (England) Regulations 2008, or as the basis for a hearing by that body pursuant to Regulation 18.

In it there is a complete failure to recognise or abide by the limited scope of the investigation formerly imposed by Section 57A(2) of the Local Government Act 2000 and Regulation 14 of the Standards Committee (England) Regulations 2008, which only permitted the Monitoring Officer to "conduct an investigation into the matters referred". By Regulation 9, a "matter" is defined as meaning a written allegation made under Section 57A(1) of the Local Government Act 2000.

In this case, the written allegation is the Complaint Form (see A1 at pages 32 to 36) submitted to the Monitoring Officer by the Complainant on 23 January 2012. What is set out there in considerable detail constitutes the written allegation and stipulates four specific occasions on which the conduct of the Member is called into question by the Complainant, namely certain of his remarks at a Reception held at The Laverton, elsewhere described as The Laverton Re-launch Event (see D5 at page 101), his conduct at a meeting of Westbury Town Council on 7 November 2011, part of a sentence in his e-mail sent 25 November 2011 (see I1 at page 147 to 149) and his conduct at a meeting of Westbury Town Council on 9 January 2012.

The written allegation did not include any of the postings on the Westbury Town Forums displayed as E1 at pages 105 to 113, and referred to at [6.11.1] to [6.11.9] and [7.7.4] and [7.15.1] to [7.15.4] and, by cross reference, at [7.13.3] and included, it would seem, in the Findings at [8.1], [8.2] and [8.3] and in Appendix A (Schedule of Finding of Fact) as Findings 17 to 23 inclusive (see pages 27 to 29).

Nor did it include the Member's e-mail sent 24 November 2011 displayed as H1 at page 146, and referred to at [6.15.1] to [6.15.4] and [7.8.1] and [7.17.1] to [7.17.7] and, by cross reference, at [7.13.3] and included, it would seem, in the Findings at [8.1], [8.2] and [8.3] and in Appendix A (Schedule of Finding of Fact) as Findings 33 to 35 inclusive.

Nor did it include the Member's e-mail sent 26 November 2011 displayed as I2 at pages 150 to 151, and referred to at [6.16.12] to [6.16.16] and [7.9.1] to [7.9.2] and [7.18.4] to [7.18.7] and, by cross reference, at [7.13.3] and included, it would seem, in the Findings at [8.1], [8.2] and [8.3] and in Appendix A (Schedule of Finding of Fact) as Findings 40 to 44 inclusive.

Nor did it include either of the Member's letters to the White Horse News published on 6 December 2011 displayed as G4 at page 141, and referred to at [6.17.1] to [6.17.3] and [7.11.1] and [7.19.1] to [7.19.2] and included, it would seem, in the Findings at [8.1], [8.2] and [8.3] and in Appendix A (Schedule of Finding of Fact) as Findings 45 to 49 inclusive.

In the form that they appear, all these portions of the Report are therefore wholly or at least materially ultra vires and a nullity, and as far as they are based upon them, so too are the Findings at [8.1], [8.2] and [8.3] and in Appendix A (Schedule of Finding of Fact) and they cannot stand.

These portions of the Report form a substantial proportion of it, and in my opinion cannot be redacted without impairing the meaning of what remains.

It would be highly prejudicial to the Member's case to allow the unredacted Report to be considered at any hearing into the written allegation in question.

More to follow.

Yours sincerely,

Francis Morland

Dead Maids Close Chapmanslade Westbury Wilts. BA13 4AD

From: Francis Morland
To: ian.gibbons@wiltshire.gov.uk
CC: Russell Hawker; committee@wiltshire.gov.uk
Subject: WC 03/12 Standards Complaint
Date: Wed, 27 Feb 2013 18:57:33 +0000

Dear Mr Gibbons,

Thank you for your e-mail below sent 22 February 2013.

As you know from my comments at the Council meeting yesterday, I have not yet been able to devote as much time to a response on this matter as it undoubtedly warrants, and I would therefore ask you to treat this e-mail as a first stab at setting down on paper the myriad of difficult issues that appear to arise, and as reserving the right to amend and improve on what is said now and to raise additional points that become apparent as the detailed analysis of the paperwork proceeds.

At the very outset I am bound to challenge Wiltshire Council's jurisdiction to proceed to any hearing whatsoever on the basis of the Report dated 24 August 2012.

All powers to conduct investigations, make findings and prepare written reports of investigations pursuant to Sections 57A(2)(a) and 66 of the Local Government Act 2000 as amended and Regulation 14 of the Standards Committee (England) Regulations 2008 (SI 2008 No. 1085) were repealed entirely in England by Section 26 and Schedule 4 of the Localism Act 2011 on 1 July 2012, and hence the Report on Case Reference: WC 03/12 dated 24 August 2012 purporting to be made under those powers is ultra vires and a nullity.

Under the current statutory arrangements, the only power of Wiltshire Council to investigate allegations of failures to comply with codes of conduct (as defined in Section 28(9) of the Localism Act 2011) is that given by Section 28(6) of that Act, and Section 28(4) specifically prohibits Wiltshire Council from dealing with them otherwise than in accordance with Section 28(6).

The applicable code of conduct for these purposes is that adopted by Westbury Town Council pursuant to Section 27(2) of the Act, which by Section 28(1) is required to be consistent with the seven principles stated there.

The Model Code of Conduct stipulated in the Local Authorities (Model Code of Conduct) Order 2007 (SI 2007 No. 1159) and said to have been adopted by Westbury Town Council on 14 May 2007 (see A6 at page 42) ceased to have effect on 1 July 2012 pursuant to paragraph 56 of Schedule 4 of the Localism Act 2011, and the Undertaking of the Member dated 14 May 2007 (see A5 at page 41) ceased to have effect on the same date pursuant to the same provisions.

There are no provisions in the current code of conduct adopted by Westbury Town Council equivalent to (or even similar to) paragraphs 3(1) or 3(2)(b) of the 2007 Model Code of Conduct, and the seven principles with which the current code of conduct is required by Section 28(1) of the Localism Act 2011 to be consistent does not include "Respect for Others" stipulated in the Schedule to the Relevant Authorities (General Principles) Order 2001 (SI 2001 No. 1401) as one of the ten principles with which the 2007 Model Code of Conduct was required to be consistent.

Although Section 37 of the Localism Act 2011 contains a power to make transitional provision by order, the only relevant such order made is the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 (SI 2012 No. 1463), which by Article 7 stipulates that in the circumstances relevant to the Complaint (see A1 at pages 32 to 36) "the allegation or case shall be treated as having been made under Chapter 7 of Part 1 of the Act".

Chapter 7 of Part 1 of the Act comprises Sections 26 to 37, and includes Section 28(6) which contains the requirement to have in place arrangements by which allegations can be investigated and determined.

Accordingly, the allegations in question must now be treated as having been made after 1 July 2012 and considered in exactly the same way as any other allegations dealt with under Section 28(6) of the Localism Act 2011 (which may of course also relate back to conduct which occurred prior to 1 July 2012).

Much more to follow.

Yours sincerely,

Francis Morland

Dead Maids Close Chapmanslade Westbury Wilts. BA13 4AD

From: ian.gibbons@wiltshire.gov.uk
To: Russell Hawker
CC: Francis Morland; Pam.Denton@wiltshire.gov.uk
Subject: RE: WC 03/12 Standards Complaint
Date: Fri, 22 Feb 2013 10:56:24 +0000

Dear Cllr Hawker,

Further to your e-mail and my acknowledgement I have discussed the position briefly with Mr Morland and have asked Mr Morland to write to me as soon as possible with details of the points that you wish to be considered at the preliminary hearing. I will review these and consult Mr Cain on behalf of the investigating officer on whether there are any issues he feels need to be addressed at that hearing. Once we are agreed on the issues to be determined we can go forward to the preliminary hearing. The provisional date of 5 March may be a little optimistic, we will have to see; much will depend on how soon you or Morland can get back to me. I am not looking for detailed argument at this stage, just an indication of the points you wish to raise at the preliminary hearing. I will then decide if it is necessary for us to meet to clarify the issues.

I would appreciate your response on this by no later than close of play on Wednesday 27 February.

Yours sincerely,

Ian Gibbons

Director of Law & Governance
and Monitoring Officer

Wiltshire Council

Tel. 01225 713052

PA. joanna.smith@wiltshire.gov.uk

From: Russell Hawker

Sent: 12 February 2013 21:30

To: Gibbons, Ian

Cc: 'Francis Morland'

Subject: RE: WC 03/12 Standards Complaint

Dear Mr Gibbons

I confirm that my legal adviser in this matter is now Francis Morland.

Please continue to send relevant correspondence to me.

As we proceed forwards, I may decide to hand all communications to Francis and, if so, I will confirm this to you at the time.

I have received a message from Pam Denton that you would like to hold the preliminary hearing on Tuesday 5th March 2013.

I have discussed this with my legal adviser. Although we may both be available on 5th March, we strongly believe that there is first and urgently a need for an informal meeting of both of us with you and any other legal officer handling this case to discuss the appropriate issues that should come up within the preliminary hearing.

When we have discussed and clarified the appropriate issues for the preliminary hearing, we will then know how long we need to prepare for the preliminary hearing. Assuming we can meet with you soon to discuss this fully, we would hope to be in a position to accept 5th March for the preliminary hearing.

Please confirm some dates / times when you would be available for an informal meeting ASAP with myself, Francis and any other relevant council legal officer to explore, discuss and agree/ clarify the precise issues that should be looked at in the preliminary hearing.

Regards

Yours sincerely

Russell Hawker

Westbury Town Councillor.

From: Gibbons, Ian [<mailto:ian.gibbons@wiltshire.gov.uk>]

Sent: 08 February 2013 19:00

To: Russell Hawker

Subject: RE: WC 03/12 Standards Complaint

Dear Councillor Hawker,

Thank you for your e-mail.

Certainly what you are suggesting as the way forward is exactly what I had in mind. I agree that a separate preliminary hearing to deal with these preliminary procedural issues is appropriate and will determine how the case is to be dealt with at the substantive hearing. There will be no need for witnesses to attend the preliminary hearing.

I note that you wish to consult a legal adviser.

I would like to fix a date for the preliminary hearing as soon as possible, recognising that you will need to give your legal adviser sufficient time to read into the case. I have, therefore, asked Pam Denton to put this in hand and she will be in contact with you shortly to take details of your availability.

Kind regards.

Yours sincerely,

Ian Gibbons

Director of Law & Governance
and Monitoring Officer
Wiltshire Council
Tel. 01225 713052
PA. joanna.smith@wiltshire.gov.uk

From: Russell Hawker [<mailto:russell.hawker@talktalk.net>]

Sent: 08 February 2013 11:28

To: Gibbons, Ian

Subject: WC 03/12 Standards Complaint

Importance: High

Dear Mr Gibbons

Thank you for your email.

I note that you have avoided having to explain the deficiencies in the investigation by opting to pass this to a hearing.

I think it would be best to have a **completely separate preliminary hearing** as soon as possible to deal only with procedural and fairness issues and also the central issue of whether it is relevant to consider the truth and the background history that I mentioned in my Laverton Re-Opening speech in relation to Freedom of Expression situations.

On the basis of a proper preliminary hearing focused in the way mentioned above, I am prepared to delay going public with the clear corruption and incompetence that has been displayed in this investigation and the true facts about Ian Taylor. This is to give the preliminary panel a chance to come to a correct decision (ie. agreeing that truth is relevant and is a justification for saying what could be perceived as unpalatable).

We can discuss the date of any full hearing after the preliminary issues are cleared up (assuming they properly cleared up).

I will need to take advice from a legal adviser. Up to this point I have not needed any legal advice and have not involved anyone else, except for some very brief and specific points about a tribunal case I have referred to. My legal adviser will therefore need appropriate time to prepare a defence as this matter is very complex. Having said this, on the very specific technical points that would come up in a preliminary hearing (as I have described) I think my legal adviser would be in a position to prepare quite quickly, though I will only know the exact details about this when I actually ask him.

Up to this point, I had not expected any hearing at all. On the basis that we have a proper preliminary hearing focussed only on the issues mentioned above, I respect your decision.

I am assuming that I will not need witnesses at the preliminary hearing apart from my legal adviser. If we get into a situation where I need my witnesses, we will need to find a date that they can agree to.

At this stage, I need to tell you that Ian Taylor is known to be planning a comeback as a Conservative councillor by running against me in the unitary elections. You should not be in any doubt about the political motivations that lurk behind his complaints and the fact that his campaign depends on his false claims succeeding with a Conservative dominated standards committee.

On the point about clearing this whole matter up, I agree that it would be best to have the matter cleared up as soon as possible, but only if it is actually reasonable and possible to do it very quickly before the normal Purdah period. I will need to take advice on this point, but my preference would be to get this matter solved before the Purdah period occurs if possible. Otherwise, we must delay until after the elections.

Please acknowledge this email.

Yours sincerely

Russell Hawker
Westbury Town Councillor

From: Gibbons, Ian [<mailto:ian.gibbons@wiltshire.gov.uk>]
Sent: 08 February 2013 10:42
To: Russell Hawker
Subject: [PROTECT]WC 03/12 Standards Complaint
Email classified as: PROTECT

Dear Cllr Hawker,

I have now reviewed this matter in accordance with section 6 of the Council's Arrangements for Dealing with Complaints under the Code of Conduct.

I have decided that this case should proceed to a hearing in accordance with the procedure for the reasons summarised below. In reaching my decision I have taken into account the views of the parties and the independent persons assigned to this case, Caroline Maddocks consulted by yourself as subject member, and Colin Malcolm assisting me as Monitoring Officer.

My role at this stage is to satisfy myself that the investigation of this complaint has been conducted fairly and properly and that there is a case to answer which requires determination by a Hearing Sub-Committee. It is not my role to determine the issues in the case, nor in particular whether there has been any breach of the Code of Conduct. That is for the Hearing Sub-Committee to decide after taking into account all the written submissions and any oral evidence and submissions before them.

It is clear from the written material I have seen, including the investigating officer's report and the detailed additional submissions you have made, that there is a case to answer and that the allegations made in the complaint should be tested by a hearing before the Hearing Sub-Committee. I have noted the concerns you have raised regarding the adequacy of the investigation and the report and findings of the investigation. It is of course open to you to challenge the investigating officer's report and findings as part of your defence to this complaint and these are matters which the Hearing Sub-Committee will need to consider in due course. I am, however, satisfied that a reasonable and fair investigation has been carried out that is sufficient to enable this matter to proceed.

I recognise that you wish to introduce evidence pre-dating the period covered by the complaint and the investigation report as part of your defence. The Hearing Sub-Committee will, therefore, be invited to consider this as a preliminary issue, along with any other preliminary issues that need to be determined in order to ensure that the hearing of this matter proceeds fairly and efficiently from here.

It is unfortunate that this complaint has straddled the changes in the standards regime introduced by the Localism Act 2011 in July 2012, which has resulted in delay and the need to work to a new procedure. It is important that the matter proceeds to a swift conclusion from here and I will take all necessary steps to ensure that this happens.

I will be contacting you again shortly with details of the Hearing Sub-Committee.

Yours sincerely,

Ian Gibbons
Director of Law & Governance
and Monitoring Officer
Wiltshire Council
Tel. 01225 713052
PA. joanna.smith@wiltshire.gov.uk

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STANDARDS HEARING SUB-COMMITTEE

MINUTES OF THE STANDARDS HEARING SUB-COMMITTEE MEETING HELD ON 20 MARCH 2013 AT CIVIC CENTRE, ST STEPHENS PLACE, TROWBRIDGE, BA14 8AH.

Present:

Cllr Chris Caswill, Cllr Howard Greenman, Cllr Christopher Williams

Also Present:

Mr Colin Malcolm - Independent Person (Monitoring Officer and Sub-Committee)
Caroline Baynes - Independent Person (Subject Member) - from 3.00 pm

Ian Gibbons - Monitoring Officer and Legal Adviser to the Sub-Committee

Frank Cain, Head of Legal - representing the Investigating Officer
Roger Wiltshire - Investigating Officer

Mr Ian Taylor - Complainant

Cllr Russell Hawker - Subject Member
Mr Francis Morland - representing the Subject Member

1 Election of Chairman

Nominations for a Chairman of the Standards Hearing Sub-Committee were sought and it was

Resolved:

To elect Councillor Christopher Williams as Chairman.

2 Chairman's Welcome, Introduction and Announcements

The Chairman welcomed the parties to the meeting, explained the purpose of the meeting and asked those present to introduce themselves.

3 **Declarations of Interest**

There were no declarations of interest.

4 **Exclusion of the Press and Public**

The Chairman invited representations from the parties on whether the preliminary hearing should be conducted in public or closed session.

The complainant had no objection to the matter being heard in public.

The investigating officer, through Mr Cain, indicated that he had no objection to the matter being heard in public, subject to the redaction of third party personal details in accordance with the Council's data protection obligations, before release of documentation into the public domain.

Mr Morland, on behalf of the subject member, objected to the matter being dealt with in the public domain on the grounds that the process and investigation report were deeply flawed and prejudicial to the subject member and publication in these circumstances would not be fair.

Having regard to these representations and advice from the Monitoring Officer the Sub-Committee concluded, on balance, that the preliminary hearing should proceed in the absence of the public at this stage. The Sub-Committee were, however, mindful of the need for openness and transparency in these matters and noted that the position would be reviewed further at any substantive hearing. The Sub-Committee, therefore,

Resolved:

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 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 1 of Part 1 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.

After consulting the parties, the Chairman agreed that Councillor Newbury should be permitted to remain in the hearing as a Wiltshire Councillor.

5 Complaint regarding the alleged conduct of Councillor Russell Hawker of Westbury Town Council

Alternative Resolution

The Chairman opened this part of the meeting by inviting the parties to indicate whether there was any possibility of a resolution being reached that would avoid the need for a full hearing. A short adjournment followed to enable the parties to explore, on a without prejudice basis, the possibility of reaching a compromise, facilitated by the Monitoring Officer.

The meeting resumed at 11.45 am when the Sub-Committee were advised that there was no prospect of a compromise being reached between the parties.

Documents

The Chairman confirmed that, in addition to the papers circulated with the agenda, the Sub-Committee had received Mr Morland's e-mails to the Monitoring Officer dated 27 February 2013; 1 March 2013; 2 March 2013; 6 March 2013 (2); and 18 March 2013.

Independent Person (Subject Member)

Mr Morland sought an adjournment on the basis of the objection he had raised in his e-mail to the Monitoring Officer dated 18 March 2013 regarding the hearing proceeding in the absence of Caroline Baynes, the independent person allocated for consultation by the subject member. Caroline Baynes had advised that she would be unable to attend the meeting before 1.00 pm due to a prior unavoidable commitment. Mr Morland contended that it would be unlawful for the Sub-Committee to proceed in her absence.

Following representations in response from Mr Cain and advice from the Monitoring Officer, the Sub-Committee determined:

1. Whilst it was clearly desirable that both independent persons were present throughout the preliminary hearing the Sub-Committee did not accept that this was required as a matter of law.
2. In order to avoid the delay that would result from an adjournment the Sub-Committee were minded to proceed to hear submissions from the parties on the preliminary matters before them, but to reserve making any decision on them until the subject member had had the opportunity to consult with the independent person (subject member) following her arrival at the meeting.
3. The subject member was represented and there was no material prejudice to him in proceeding on this basis.

Mr Morland asked for his objection to this ruling to be recorded.

Jurisdiction

The Sub-Committee heard submissions from Mr Morland and Mr Cain on the question of jurisdiction and, in particular, the effect of the transitional provisions set out in the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 (the 'transitional regulations').

The meeting was then adjourned from 12.30 pm until 1.40 pm for lunch.

Upon resuming the meeting the Sub-Committee noted Mr Morland's continuing objection to the preliminary hearing proceeding in the absence of the independent person (subject member) who had not yet arrived.

Investigating Officer's Report

The Sub-Committee went on to hear submissions from Mr Morland and Mr Cain on the content of the investigation report and the nature and extent of the evidence that should be considered at any substantive hearing. The following points were covered:

- The inclusion of material submitted by Cllr Hawker in his Updated Response to the Investigation Report dated 14 November 2012 notwithstanding that this referred to matters which preceded the period covered by the investigation;
- Whether the investigating officer had exceeded the scope of his authority by including matters in his report which were not specified in the complaint, and, if so, whether the report was legally unsound in part or as a whole;
- Bias / prejudice on the part of the investigator, as alleged in the Updated Response of the subject member; the subject member indicated that he was not relying on bias at this stage.
- The relevant law and proper treatment of evidence in relation to the subject member seeking to demonstrate that he was justified in making the comments he is alleged to have made, and, in particular, the effect of Article 10 of the European Convention for the Protection of Human Rights and Fundamental Freedoms;
- Witnesses required for any substantive hearing; Mr Morland confirmed that he wished to cross examine all of the witnesses who had been interviewed as part of the investigation and they should therefore be required to attend any hearing. Mr Cain confirmed he would arrange for the attendance of the witnesses over and above those he intended to

call, but he pointed out there may be adverse criticism if their attendance is found to be unwarranted.

In view of the arrival of the independent person (subject member) at approximately 3.00 pm the Sub-Committee adjourned the meeting to give Cllr Hawker (and Mr Morland) the opportunity to consult Caroline Baynes. The meeting then resumed at 3.20 pm.

Independent Persons

The independent persons were invited to give their views on any matters they wished the Sub-Committee to take into account. Caroline Baynes indicated that whilst she was now present and available to the subject member she felt unable to make any substantial comment on the earlier proceedings. Colin Malcolm made observations on the question of jurisdiction and which code of conduct should apply.

Further discussions took place regarding witnesses, documentation and the identification of agreed and disputed facts.

Decision

Having considered all matters before them and after receiving advice from the Monitoring Officer the Sub-Committee **RESOLVED** as follows:

- 1. The issue of jurisdiction and which code of conduct should apply in respect of the investigation and determination of this complaint turned on the interpretation of the transitional regulations, and, in particular, article 7 and the wording the allegation or case shall be treated as having been made under [the new legislation].**
- 2. On the basis of the reasoning submitted by Mr Cain, which was accepted, the correct approach according to the law was to determine the complaint on the basis of the former code of conduct adopted by Westbury Town Council but under the new procedure adopted by Wiltshire Council from 1 July 2012. This was consistent with the approach taken by the Council in previous matters.**
- 3. The material submitted by the subject member in his Updated Response of 14 November 2013 would be included as part of the evidence to ensure that the subject member is able to put his defence to the complaint and the Sub-Committee have all the relevant facts and background on which to reach a decision.**

4. **The matter should proceed to a substantive hearing. The subject member's challenges regarding the fairness and legitimacy of the investigating officer's report will be considered in the light of all the relevant law and evidence at the substantive hearing.**
5. **The following witnesses will be called to give evidence at the hearing:**
 - **Mr Taylor - complainant**
 - **Councillor Andrews**
 - **Mr Harvey - Westbury Town Clerk**
 - **Mrs Mantle - Assistant to the Town Clerk**
 - **Councillor Windess**
 - **Mr Eatwell**

In addition to himself Cllr Hawker wished to call:

- **John Parker**
- **Michael Hawkins**
- **Charles Finbow**

Having regard to Mr Taylor's representations the investigating officer should also consider calling the following as witnesses:

- **Mrs Pam Cox-Maidment – Mayor**
- **Mr H. Prickett**
- **Mr G. King**

6. **The Investigating Officer, in consultation with the other parties, should prepare the following for circulation to the Sub-Committee and all parties:**
 - **A table setting out relevant details in summary form, including agreed and disputed facts;**
 - **Agreed documentation taking account of Mr Morland's e-mail correspondence, in particular, his e-mail of 2 March 2013.**
 - **Agreed witness list.**
7. **The substantive hearing to take place on 10 and 11 April 2013 at a venue to be confirmed.**

(Duration of meeting: 10.30 am to 4.30 pm)

The Officer who has produced these minutes is Ian Gibbons, Solicitor to the Council and Monitoring Officer direct line 01225 713052, e-mail ian.gibbons@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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STANDARDS HEARING SUB-COMMITTEE

DRAFT MINUTES OF THE STANDARDS HEARING SUB-COMMITTEE HELD ON
10 APRIL 2013 AT ST JOHN'S PARISH CENTRE, TROWBRIDGE, BA14 9EA

PRESENT:

Cllr Chris Caswill, Cllr Howard Greenman and Cllr Christopher Williams

Also Present:

Mr Colin Malcolm - Independent Person (Monitoring Officer and Sub-Committee)
Caroline Baynes - Independent Person (Subject Member)

Ian Gibbons - Monitoring Officer and Legal Adviser to the Sub-Committee

Frank Cain, Head of Legal - representing the Investigating Officer

Mr Ian Taylor - Complainant

[Witnesses in attendance: Mr K. Harvey; Mr G. King; Mr. S. Andrews]

1 Election of Chairman

Resolved:

Councillor Christopher Williams should continue as Chairman following his appointment at the meeting on 20 March 2013.

2 Chairman's Welcome, Introduction and Announcements

The Chairman welcomed the parties to the meeting, explained the purpose of the meeting and asked those present to introduce themselves.

3 Declarations of Interest

There were no declarations of interest.

4 **Exclusion of the Press and Public**

On the basis of their earlier decision on 20 March 2013 to exclude the public the Sub-Committee felt that this should remain the position pending consideration of Councillor Hawker's request for an adjournment, and therefore:

Resolved:

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 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 1 of Part 1 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.

5 **Minutes of the meeting of the Sub-Committee on 20 March 2013**

Resolved:

To approve the minutes of the previous meeting as circulated, subject to including copies of the additional documents referred to in the minutes (Mr Morland's e-mails to the Monitoring Officer dated 27 February 2013; 1 March 2013; 2 March 2013; 6 March 2013 (2); and 18 March 2013) as an Appendix to the Minutes.

6 **Standards Committee Hearing Complaint regarding the alleged conduct of Councillor Russell Hawker of Westbury Town Council**

The Monitoring Officer advised the Sub-Committee that Cllr Hawker had decided not to attend the meeting but he had requested a postponement of the hearing on grounds set out in his email correspondence to the Monitoring Officer since the previous meeting on 20 March 2013. The grounds included:

- Cllr Hawker's legal adviser had decided to stand down and he was now without legal advice and representation on a complex matter. He was unable to prepare his defence properly as a result;
- His witnesses were unable to attend the hearing;
- The process was unfair and was being rushed through; the substantive hearing was fixed without proper consultation with the parties.

- He had only received documentation from Mr Cain On 7 April 2013 leaving insufficient time for him to respond.
- It was inappropriate for this matter to be heard during the pre-election period.

Having heard from Mr Cain on behalf of the investigating officer, the complainant, Mr Taylor, and both independent persons, Caroline Baynes and Colin Malcolm, the Sub-Committee decided to agree a postponement of the hearing.

The Sub-Committee had particular regard to the fact that Cllr Hawker was currently without legal representation following Mr Morland's decision to cease acting for him after the previous preliminary hearing, and the unavailability of Cllr Hawker's witnesses, particularly his key witness, Mr Parker, who was out of the country until 15 April. They decided an adjournment was appropriate in these circumstances in the interests of fairness to enable Cllr Hawker to prepare and put his defence properly.

The Sub-Committee wished to make it clear that it was Cllr Hawker's responsibility to ascertain the availability of the witnesses he wished to call in his defence and, once a date has been agreed, to secure their attendance. The Sub-Committee also made it clear that any further adjournment of the case would be highly unlikely to be granted.

The Chairman thanked the witnesses who had made themselves available for the hearing and apologised that it had not been possible to proceed.

The Sub-Committee therefore:

Resolved:

To adjourn the hearing on 10 and 11 April 2013 and to ask for the matter to be re-listed on the first available date after 3 June 2013

(Duration of meeting: 10.00 am to 12.15 pm)

The Officer who has produced these minutes is Ian Gibbons, Solicitor to the Council and Monitoring Officer direct line 01225 713052, e-mail ian.gibbons@wiltshire.gov.uk

Press enquiries to Communications, direct line (01225) 713114/713115

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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:

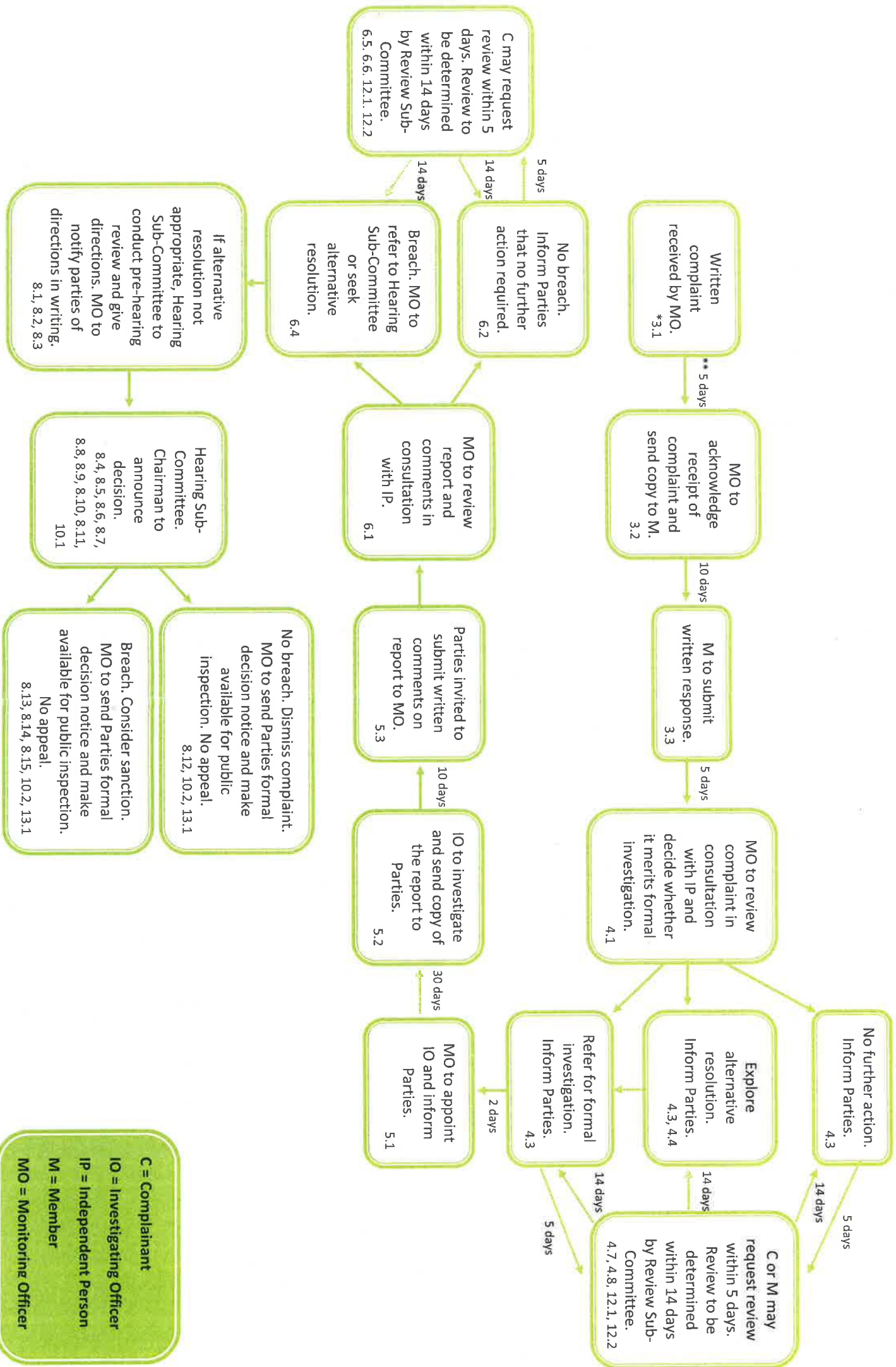
In the case of *R v Broadland District Council ex parte Lashley* the Court of Appeal recognised that it was within the Council's powers to take action that was calculated to facilitate and was conducive or incidental to, the council's functions (1) of maintaining its administration and internal workings 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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Appendix A – Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011 – Overview



* Numbers refer to the relevant paragraphs in the Arrangements for dealing with Code of Conduct Complaints under the Localism Act 2011

** Days refer to working days

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