

Browne, Anna

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

B1.16

Dear Mrs Wilton,

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

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

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

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

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

Many Thanks
jan Thornton

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

Jan,

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

rgds,

[REDACTED]

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

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

Dear Mrs Wilton,

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

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

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

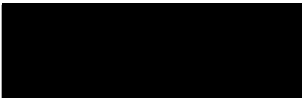
I understand that the standards sub-committee advised Bedwyn PC last year that they needed to look at the governance of the council, the chairing of the meeting and knowledge of diversity and equality.

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

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

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

Many thanks,



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

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

Part 1

General provisions

Introduction and interpretation

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

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

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

(4) In this Code—

“meeting” means any meeting of—

(a) the authority;

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

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

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

Scope

2.—(1) Subject to sub-paragraphs (2) to (5), you must comply with this Code whenever you—

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

(b) act, claim to act or give the impression you are acting as a representative of your authority,

and references to your official capacity are construed accordingly.

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

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

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

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

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

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

General obligations

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

(a) 2006 c.3.

Part 2

Interests

Personal interests

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

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

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

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

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

Disclosure of personal interests

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

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

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

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

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

Prejudicial interest generally

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

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

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

11. Paragraph 11 does not apply to your authority.

Effect of prejudicial interests on participation

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

- (a) you must withdraw from the room or chamber where a meeting considering the business is being held—
 - (i) in a case where sub-paragraph (2) applies, immediately after making representations, answering questions or giving evidence;
 - (ii) in any other case, whenever it becomes apparent that the business is being considered at that meeting;unless you have obtained a dispensation from your authority's standards committee; and
- (b) you must not seek improperly to influence a decision about that business.

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

Part 3

Registration of Members' Interests

Registration of members' interests

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

- (a) this Code being adopted by or applied to your authority; or
- (b) your election or appointment to office (where that is later),

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

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

Sensitive information

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

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

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

Annexure - The Ten General Principles

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

Selflessness

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

Honesty and Integrity

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

Objectivity

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

Accountability

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

Openness

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

Personal Judgement

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

Respect for Others

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

Duty to Uphold the Law

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

Stewardship

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

Leadership

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

DECLARATION OF ACCEPTANCE OF OFFICE

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

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

Signed.  Date 27/5/03

This declaration was made and signed before me,

Signed... 

Proper officer of the council (5).

- (1) Insert the name of the person making the declaration.
- (2) Insert "member", "Chairman" or "Mayor" as appropriate.
- (3) And (4) Insert the name of the authority of which the person making the declaration is a member or mayor.
- (5) Where the declaration is made before another person authorised by section 83(3) of the Local Government Act 1972, state instead the capacity in which that person takes the declaration.

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

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

✓
B1.4

REGISTER OF MEMBERS' INTERESTS
GENERAL NOTICE OF REGISTERABLE INTERESTS

I, Roger Durie
a member of Great Bedwyn Parish Council

give notice that

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

Employment, business, profession or vocation

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

Mortgage Adviser.....

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

Mortgage Adviser.....

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

SELF - EMPLOYED.....

Sponsorship

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

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

Contracts with the authority

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

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

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

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

Land in the area of the authority

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

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

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

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

Licences to occupy land

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

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

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

Corporate tenancies

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

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

Interests in companies and securities

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

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

Membership of other bodies

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

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

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

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

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

.....None.....

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

.....None.....

(e) trade union or professional association.

.....None.....

Changes to Registered Interests

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

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

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

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



Signed: Roger Durie

Date: 3rd May

2011.....

RECEIVED

Signed:  Monitoring Officer, Wiltshire Council

Date: 20 May 2011.....

Lindsay, Marie

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

B2.1

Dear Marie,

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

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

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

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

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

Kind regards,

Roger Durie
Chairman
Great Bedwyn Parish Council

[REDACTED]

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Code of Conduct case reference – WC06/12

Statement of – Mrs J Thornton

Complainant/Subject Member/Witness – Complainant

Date of interview – 8 May 2012

Place of interview – Telephone interview

Interviewer – Mrs Marie Lindsay

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

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

Signature - 

Dated – 24/5/12

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

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

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

Signature - 

Dated – 24/5/12

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

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

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

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

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

Signature - [REDACTED]

Dated - 24/5/12

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

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

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

Signature



Dated - 24/5/12

Code of Conduct case reference – WC06/12

Statement of – Councillor R Durie

Complainant/Subject Member/Witness – Subject Member

Date of interview – 22 May 2012

Place of interview – Councillor Durie's home address

Interviewer – Mrs Marie Lindsay

This statement, consisting of 5 pages each signed and dated by me, is true to the best of my knowledge.

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

Signature 

Dated – 11/6/2012

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

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

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

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

Signature 

Dated – 11/6/2012

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

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

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

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

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

Signature [REDACTED]

Dated –

11/6/2012

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

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

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

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

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

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

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

Signature [REDACTED]

Dated - 11/7/2012

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

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

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

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

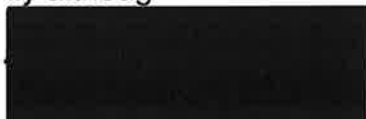
Councillor Durie adds that Mrs Thornton's complaint suggests that the Parish Council has ignored her when, in fact, the reality is totally different. Meetings have been arranged with Network Rail and Wiltshire Council to try to address the parking issues, and delays in getting the parking restriction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

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

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

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

Signature



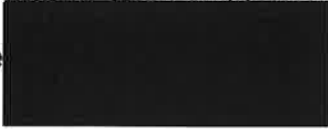
Dated –

11/2/2012

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

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

Signature



Dated -

11/6/2012

Great Bedwyn Parish Council



Claire Perry MP
House of Commons
London
SW1A 0AA

5th March 2012

Dear Claire,

Commuter Parking at The Knapp, Great Bedwyn

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

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

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

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

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

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

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

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

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

Yours sincerely,

Roger Durie
Chairman
Great Bedwyn Parish Council

B3.1

DECISION NOTICE: REFER FOR INVESTIGATION

Reference WC – 06/12

Subject Member

Roger Durie – Great Bedwyn Parish Council

Complainant

Jan Thornton

Assessment Sub-Committee Membership

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

Head of Governance

Nina Wilton

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

Complaint

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

Decision

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

Reasons for Decision

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

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

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

- 3(1) – You must treat others with respect.
- 3(2)(a) – You must not do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006(a)).
- 3(2)(d) – You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 4(b) – You must not prevent another person from gaining access to information to which that person is entitled to by law.

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

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

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

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

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

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

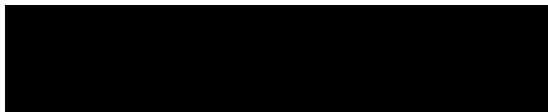
You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

Additional Help

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

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

Signed

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

Chairman of the Wiltshire Council Assessment Sub-Committee

B3.2

19 April 2012

Marie Lindsay
Ethical Governance Officer
Wiltshire Council

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

Dear Mrs Lindsay,

Appointment as Investigating Officer - Complaint against Councillor R Durie

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

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

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

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

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

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

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Thank you for undertaking this role.

Yours sincerely



Ian Gibbons
Solicitor to the Council and Monitoring Officer

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



INVESTOR IN PEOPLE