

DECISION NOTICE: NO FURTHER ACTION

Reference WC - ENQ00227

Subject Member

Cllr Nic Coome - Chilton Foliat Parish Council

Complainant

Andrew Gordon (Lieutenant Colonel)

Representative of the Monitoring Officer

Mr Paul Taylor

Independent Person

Mr Stuart Middleton

Review Sub-Committee

Cllr Howard Greenman - Chairman
Cllr Brian Mathew
Cllr Fred Westmoreland

Issue Date

5 February 2018

Complaint

The Complainant alleges that the Subject Member in an email dated 29 August 2017 breached the Code of Conduct applicable to the Chilton Foliat Parish Council in that the Subject Member:

- Failed to have regard to the Nolan Principles of objectivity and selflessness and Leadership.
- Acted inconsistently with the high standards required under the Code.
- Was disrespectful to the Church of England.

Decision

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 and after hearing from the Independent Person, the Review Sub-Committee has decided to take no further action.

Reasons for Decision

Preamble

The Chairman led the Sub-Committee through the local 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 and that the member was in office at the time the alleged incident and remains a member of Chilton Foliat Parish Council. The Sub-Committee accepted the reasoning of the Deputy Monitoring Officer in his initial assessment decision regarding the appropriate Code of Conduct, in that a Code had in error not been formally adopted by the Parish Council, but that all the councillors had accepted compliance with the NALC Code when signing their acceptance of office and that it should be treated as the relevant Code.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. Further, if it was felt it would be a breach, was it still appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, the response of the subject member, the initial assessment of the Deputy Monitoring Officer to take no further action, and the complainant's request for a review. The Sub-Committee also considered the verbal representation made at the Review by the complainant, as well as a written statement from the Subject Member, who was not in attendance.

Conclusion

The complaint principally related to the tone and content of an email dated 29 August 2017 from the subject member to the complainant during email correspondence between the parties regarding a request from the Local Church Committee for a contribution from the parish council toward the cost of maintenance of a churchyard, and previous council decisions on the matter. The situation had been aggravated by other procedural and administrative concerns arising from the parish council being without a clerk.

The Sub-Committee carefully considered the alleged behaviours, and the requirements of the NALC Code to behave in a respectful manner, and uphold the principles of objectivity, selfless and leadership, among others. It was clear that the tone of the email could be considered to be provocative and unhelpful even if some of the queries were reasonable, and in a statement to the Sub-Committee the subject member had accepted that his tone had been unwise.

However, while the Sub-Committee agreed that the tone had been unwise, it was not satisfied that it rose to the level of a breach of the Code, though it considered that in order to rebuild a good working relationship between the Local Church Committee and the Parish Council it would be helpful if the subject member could reinforce his acceptance of his poor choice of words by providing a direct apology to the complainant.

The Sub Committee noted that, on 9 January 2018, the Parish Council had formally adopted a code of conduct. They also considered that some of the other concerns raised by the complainant regarding aspects of the administration of Parish Council business would be addressed by recruiting a clerk and by regularising the publication and public display of its minutes.

Additional Help

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