

Following a decision by the Ombudsman, decisions WC\_ENQ00247/249/250/251 were reconsidered at a meeting on 12 June 2019.

## **DECISION NOTICE: NO FURTHER ACTION**

**Reference WC - ENQ00247, WC - ENQ00249, WC - ENQ00250, WC - ENQ00251**

### **Subject Members**

Cllrs Ros Whiting, Gabrielle Horton, Adrian Andrews and Nick Greene – Stanton St Quintin Parish Council

### **Complainant**

Mr Malcolm Reeves

### **Representative of the Monitoring Officer**

Mr Paul Taylor

### **Independent Person**

Mr Stuart Middleton

### **Review Sub-Committee**

Cllr Stuart Wheeler - Chairman  
Cllr George Jeans  
Cllr Trevor Carbin  
Mr Philip Gill MBE (non-voting)  
Mr Michael Lockhart (non-voting)

### **Issue Date**

1 August 2018

### **Complaint**

The complainant alleges that the Subject Members (the members of Stanton St Quintin Parish Council), used their office to slander the complainant at a parish council planning meeting on 27 February 2018, thereby failing to uphold the principles of integrity, honesty and objectivity and breaching the following paragraphs of Stanton St Quinton Parish Council's Code of Conduct:

- 1) He/she shall behave in such a way that a reasonable person would regard as respectful;
- 2) He/she shall not act in a way which a reasonable person would regard as bullying or intimidating;

- 3) He/she shall not seek to improperly confer an advantage or a disadvantage on any person.

## **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 determined 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 the members and that the members were in office at the time of the alleged incident and remain members of the Parish Council. A Code of Conduct was in place and had been provided with the complaint.

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 members, 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 representations made at the Review by the complainant. No subject members were in attendance.

### Conclusion

The complaint related to a meeting of Stanton St Quintin Parish Council on 27 February 2018, the minutes for which made a number of comments regarding a planning application from, and land belonging to, the complainant. Specifically, the minutes stated the complainant had included documents containing 'factual inaccuracy, a deliberate attempt to mislead'.

The decision of the Deputy Monitoring Officer had concluded that the substance of the complaint related to the actions of the parish council as a body corporate, namely the accuracy of the minutes. The Standards regime is designed to address allegations of specific behaviours, and as the complaint was related to the minutes, no comments or statements were attributed to any particular member. As such, a dispute over the contents or accuracy of the minutes was a matter for the parish council and, ultimately, a court to determine.

The Review Sub-Committee accepted the reasoning of the Deputy Monitoring Officer that the decisions of the Parish Council regarding minutes' accuracy were not a matter which could be addressed as a Code of Conduct matter. They therefore concluded to take no further action in respect of the complaint.

However, they also noted that in their collective response to the complaint the members had stated they would like to offer the complainant an apology for the language used in the minutes, which had since been amended. The Sub-Committee recommended that the members make any such apology public, and that in any case if the minutes had been amended since being approved, this would require a formal resolution by the parish council noting the original wording and that these had been changed.

### **Additional Help**

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## **DECISION NOTICE: NO FURTHER ACTION**

**Reference WC - ENQ00252**

### **Subject Member**

Cllr John Dalley – Rowde Parish Council

### **Complainant**

Miss Kelly Dodsworth

### **Representative of the Monitoring Officer**

Mr Paul Taylor

### **Independent Person**

Mr Stuart Middleton

### **Review Sub-Committee**

Cllr Stuart Wheeler - Chairman

Cllr George Jeans

Cllr Trevor Carbin

Mr Philip Gill MBE (non-voting)

Mr Michael Lockhart (non-voting)

### **Issue Date**

1 August 2018

### **Complaint**

The complainant alleges that the Subject Member, on 20 April 2018, spoke to her in an angry and intimidating manner when discussing the collection of rubbish by the parish council from outside the complainant's public house. The Subject Member thereby breached the following paragraphs of Rowde Parish Council's Code of Conduct:

- 1) He/she shall behave in such a way that a reasonable person would regard as respectful;
- 2) He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.

## **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 determined 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 of the alleged incident and remains a member of Rowde Parish Council. A Code of Conduct was in place and had been provided with the complaint.

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 representations made at the Review by the complainant and the subject member.

### Conclusion

The complaint related to a confrontation between the subject member and complainant following a communication by the complainant directed at the parish council regarding a litter clean up that had taken place, and the subject member's reaction.

The decision of the Deputy Monitoring Officer had concluded that while the alleged reaction of the subject member may have been extremely unwise or unprofessional, legal protections on freedom of expression were such that he did not consider that the incident rose to a level of an excessive or personal attack which would mean that a breach of the Code of Conduct may have occurred.

While acknowledging that even a single instance of poor behaviour is capable of being a breach of the listed provisions of the Code of Conduct, the Sub-Committee accepted the reasoning of the Deputy Monitoring Officer that in the circumstances the allegations did not rise to the level of a breach.

The Sub-Committee also noted that both parties had the interests of their community at heart, and hoped that each could see a way to moving forward in the best interests of the village and its residents.

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