

DECISION NOTICE: No Further Action

Reference COC: 124049

Subject Member

Councillor Richard Roberts – Enford Parish Council

Complainant

Mr and Mrs D'Arcy-Irvine

Representative of the Monitoring Officer

Mr Paul Barnett

Independent Person

Mr Stuart Middleton

Review Sub-Committee

Cllr Ernie Clark
Cllr Peter Fuller
Cllr Howard Greenman (Chairman)
Mr Richard Baxter (non-voting)
Miss Pam Turner (non-voting)

Decision Date

14 November 2019

Issue Date

18 November 2019

Complaint

The Complaint relates to the conduct of Cllr Roberts (the Subject Member) in connection with a dispute between Enford Parish Council and the Complainant regarding the location of the boundary between the Complainant's property and the Enford Parish Hall. The Complainants allege that the Subject Member has breached the Parish Council's Code of Conduct in the following ways:

1. Failed to meet the principles of integrity, objectivity, accountability, openness, honesty and leadership.
2. Acted in an intimidatory way to try and compel the Complainants to accept a change to their Land Title.
3. Threatened legal action unless the Complainants forwarded information on their Land Title to the Parish Council's lawyers both verbally and in writing.
4. Unfairly put the Complainants at disadvantage by widely publicising spurious claims under the auspices of the Parish Council and the Parish Hall Committee knowing that the Complainants were unable to speak on the subject.
5. Used the resources of the Parish Council to support and threaten legal action against the Complainants without just cause.
6. Disclosed and publicised the Complainants' names and name of their property with defamatory statements under the auspices of the Parish Council and its official minutes as well as summaries of Parish Hall Committee Meetings.
7. Misled the Complainants and other Councillors by claiming at several meetings that solicitors had been instructed by the Parish Council when it was established by the Complainants' lawyer that this was not the case until over five months later.
8. Condoned the behaviour and claims made at the Public Questions session at 11 June 2019 Parish Council meeting.
9. Failed to distance himself from the abusive behaviour and views expressed at that meeting.
10. By agreeing to the prejudiced and biased views being officially minuted, he thereby consented to their wide public dissemination which was to the Complainants' detriment.

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 decided to take no further action.

Reasons for Decision

Preamble

The Sub-Committee were satisfied that the initial tests of the Assessment Criteria had been met, being that the member was and remains a member of Enford Parish Council, that the conduct related to their conduct as a member of that council, and that a copy of the relevant Code of Conduct was provided for the assessment.

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, whether it was 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 a Representative of the Monitoring Officer to take no further action, and the complainants' request for a review and supporting documentation. The Sub-Committee

also considered a verbal statement from the complainants and a written statement from the Subject Member, who was not in attendance.

Conclusion

The complaint involved a long running dispute between the complainants and the Parish Council, of which Mr D'Arcy-Irvine is also a member, regarding location of the boundary between the parish hall and the complainants' property, and the actions of the Subject Member as part of that dispute. The dispute stretched across many years, and in particular many of the points of complaint arose anew in 2017 onwards, and there had been many exchanges of correspondence between solicitors for the various parties involved.

The initial assessment has noted that under the assessment criteria matters could only be subject to complaint if that complaint was made within 20 days from when the complainants were aware or ought to have become aware of the matters in question, and had not considered points before that date. The Sub-Committee accepted that point. They were also of the opinion that the decision of the various parties to engage solicitors in communication with one another regarding the dispute did not preclude the submission of a Code of Conduct complaint at an earlier stage., Notwithstanding this however, the Sub-Committee noted the long running background to the dispute, and the alleged actions of the Subject Member and the others subject to the complaint, within the period since May considered by the initial assessment.

The Sub-Committee, on the balance of the information as provided, accepted the reasoning of the initial assessment decision that the concerns raised in the complaint related to the dispute between the parish council as a body and the complainants, which the Complainants then sought to frame as a Code of Conduct complaint against individual councillors, including the Subject Member, who is currently serving as Chairman. They also accepted the analysis that the alleged actions of individual members of that council as part of that dispute, including the Subject Member, would not, if proven, rise to the level of a breach of the Code of Conduct.

From the documentation submitted, however, the Sub-Committee did feel that the actions of the Parish Council as a body had at times during the course of the dispute caused confusion, particularly in relation to the relationship between the Parish Hall Committee and the Parish Council itself. They found it disappointing that the tone of the Parish Council's communication and the confusion around processes undertaken had caused levels of distress to the complainants and contributed to the increasing acrimony between the parties involved. Whilst it considered that the matter was principally a boundary dispute not a Code of Conduct matter, the Sub-Committee felt the Parish Council need not have found itself in a situation where the Subject Member, and the others subject to complaint, faced such allegations.

The Sub-Committee noted the joint statement of the Subject Member and the other members subject to complaint in this matter that it had been the decision of the Parish

Council not to pursue a title claim to the disputed area and that the Parish Hall's title had now been registered to avoid further dispute. It therefore hoped all parties could look forward from this point, and submit that it might be helpful if the decision to conclude the matter and prevent further dispute were appropriately communicated via the Parish Council meeting minutes and the newsletter.

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 Equality Act 2010.

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

DECISION NOTICE: No Further Action

Reference COC: 124134

Subject Member

Councillor Mark Hiskett – Enford Parish Council

Complainant

Mr and Mrs D’Arcy-Irvine

Representative of the Monitoring Officer

Mr Paul Barnett

Independent Person

Mr Stuart Middleton

Review Sub-Committee

Cllr Ernie Clark

Cllr Peter Fuller

Cllr Howard Greenman (Chairman)

Mr Richard Baxter (non-voting)

Miss Pam Turner (non-voting)

Decision Date

14 November 2019

Issue Date

18 November 2019

Complaint

The Complaint relates to the conduct of Cllr Hiskett (the Subject Member) in connection with a dispute between Enford Parish Council and the Complainant regarding the location of the boundary between the Complainant’s property and the Enford Parish Hall. The Complainants allege that the Subject Member has breached the Parish Council’s Code of Conduct in the following ways:

1. Failed to meet the principles of integrity, objectivity, accountability, openness, honesty and leadership.
2. Acted in an intimidatory way to try and compel the Complainants to accept a change to their Land Title.
3. Threatened legal action unless the Complainants forwarded information on their Land Title to the Parish Council's lawyers both verbally and in writing.
4. Unfairly put the Complainants at disadvantage by widely publicising spurious claims under the auspices of the Parish Council and the Parish Hall Committee knowing that the Complainants were unable to speak on the subject.
5. Used the resources of the Parish Council to support and threaten legal action against the Complainants without just cause.
6. Disclosed and publicised the Complainants' names and name of their property with defamatory statements under the auspices of the Parish Council and its official minutes as well as summaries of Parish Hall Committee Meetings.
7. Misled the Complainants and other Councillors by claiming at several meetings that solicitors had been instructed by the Parish Council when it was established by the Complainants' lawyer that this was not the case until over five months later.
8. Condoned the behaviour and claims made at the Public Questions session at 11 June 2019 Parish Council meeting.
9. Failed to distance himself from the abusive behaviour and views expressed at that meeting.
10. By agreeing to the prejudiced and biased views being officially minuted, he thereby consented to their wide public dissemination which was to the Complainants' detriment.

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 SubCommittee decided to take no further action.

Reasons for Decision

Preamble

The Sub-Committee were satisfied that the initial tests of the Assessment Criteria had been met, being that the member was and remains a member of Enford Parish Council, that the conduct related to their conduct as a member of that council, and that a copy of the relevant Code of Conduct was provided for the assessment.

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, whether it was 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 a Representative of the Monitoring Officer to take no further action, and the complainants' request for a review and supporting documentation. The Sub-

Committee also considered a verbal statement from the complainants and a written statement from the Subject Member, who was not in attendance.

Conclusion

The complaint involved a long running dispute between the complainants and the Parish Council, of which Mr D'Arcy-Irvine is also a member, regarding location of the boundary between the parish hall and the complainants' property, and the actions of the Subject Member as part of that dispute. The dispute stretched across many years, and in particular many of the points of complaint arose anew in 2017 onwards, and there had been many exchanges of correspondence between solicitors for the various parties involved.

The initial assessment has noted that under the assessment criteria matters could only be subject to complaint if that complaint was made within 20 days from when the complainants were aware or ought to have become aware of the matters in question, and had not considered points before that date. The Sub-Committee accepted that point. They were also of the opinion that the decision of the various parties to engage solicitors in communication with one another regarding the dispute did not preclude the submission of a Code of Conduct complaint at an earlier stage., Notwithstanding this however, the Sub-Committee noted the long running background to the dispute, and the alleged actions of the Subject Member and the others subject to the complaint, within the period since May considered by the initial assessment.

The Sub-Committee, on the balance of the information as provided, accepted the reasoning of the initial assessment decision that the concerns raised in the complaint related to the dispute between the parish council as a body and the complainants, which the Complainants then sought to frame as a Code of Conduct complaint against individual councillors, including the Subject Member, who is currently Vice-Chairman. They also accepted the analysis that the alleged actions of individual members of that council as part of that dispute, including the Subject Member, would not, if proven, rise to the level of a breach of the Code of Conduct.

From the documentation submitted, however, the Sub-Committee did feel that the actions of the Parish Council as a body had at times during the course of the dispute caused confusion, particularly in relation to the relationship between the Parish Hall Committee and the Parish Council itself. They found it disappointing that the tone of the Parish Council's communication and the confusion around processes undertaken had caused levels of distress to the complainants and contributed to the increasing acrimony between the parties involved. Whilst it considered that the matter was principally a boundary dispute not a Code of Conduct matter, the Sub-Committee felt the Parish Council need not have found itself in a situation where the Subject Member, and the others subject to complaint, faced such allegations.

The Sub-Committee noted the joint statement of the Subject Member and the other members subject to complaint in this matter that it had been the decision of the Parish Council not to pursue a title claim to the disputed area and that the Parish Hall's title had now been registered to avoid further dispute. It therefore hoped all parties could look forward from this point, and submit that it might be helpful if the

decision to conclude the matter and prevent further dispute were appropriately communicated via the Parish Council meeting minutes and the newsletter.

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 Equality Act 2010.

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

DECISION NOTICE: No Further Action

Reference COC: 124135

Subject Member

Councillor Peter Cliffe-Roberts – Enford Parish Council

Complainant

Mr and Mrs D’Arcy-Irvine

Representative of the Monitoring Officer

Mr Paul Barnett

Independent Person

Mr Stuart Middleton

Review Sub-Committee

Cllr Ernie Clark

Cllr Peter Fuller

Cllr Howard Greenman (Chairman)

Mr Richard Baxter (non-voting)

Miss Pam Turner (non-voting)

Decision Date

14 November 2019

Issue Date

18 November 2019

Complaint

The Complaint relates to the conduct of Cllr Cliffe-Roberts (the Subject Member) in connection with a dispute between Enford Parish Council and the Complainant regarding the location of the boundary between the Complainant’s property and the Enford Parish Hall. The Complainants allege that the Subject Member has breached the Parish Council’s Code of Conduct in the following ways:

1. Failed to meet the principles of integrity, objectivity, accountability, openness, honesty and leadership.
2. Acted in an intimidatory way to try and compel the Complainants to accept a change to their Land Title.
3. Threatened legal action unless the Complainants forwarded information on their Land Title to the Parish Council's lawyers both verbally and in writing.
4. Unfairly put the Complainants at disadvantage by widely publicising spurious claims under the auspices of the Parish Council and the Parish Hall Committee knowing that the Complainants were unable to speak on the subject.
5. Used the resources of the Parish Council to support and threaten legal action against the Complainants without just cause.
6. Disclosed and publicised the Complainants' names and name of their property with defamatory statements under the auspices of the Parish Council and its official minutes as well as summaries of Parish Hall Committee Meetings.
7. Misled the Complainants and other Councillors by claiming at several meetings that solicitors had been instructed by the Parish Council when it was established by the Complainants' lawyer that this was not the case until over five months later.
8. Condoned the behaviour and claims made at the Public Questions session at 11 June 2019 Parish Council meeting.
9. Failed to distance himself from the abusive behaviour and views expressed at that meeting.
10. By agreeing to the prejudiced and biased views being officially minuted, he thereby consented to their wide public dissemination which was to the Complainants' detriment.

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 SubCommittee decided to take no further action.

Reasons for Decision

Preamble

The Sub-Committee were satisfied that the initial tests of the Assessment Criteria had been met, being that the member was and remains a member of Enford Parish Council, that the conduct related to their conduct as a member of that council, and that a copy of the relevant Code of Conduct was provided for the assessment.

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, whether it was 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 a Representative of the Monitoring Officer to take no further action, and the complainants' request for a review and supporting documentation. The Sub-

Committee also considered a verbal statement from the complainants and a written statement from the Subject Member, who was not in attendance.

Conclusion

The complaint involved a long running dispute between the complainants and the Parish Council, of which Mr D'Arcy-Irvine is also a member, regarding location of the boundary between the parish hall and the complainants' property, and the actions of the Subject Member as part of that dispute. The dispute stretched across many years, and in particular many of the points of complaint arose anew in 2017 onwards, and there had been many exchanges of correspondence between solicitors for the various parties involved.

The initial assessment has noted that under the assessment criteria matters could only be subject to complaint if that complaint was made within 20 days from when the complainants were aware or ought to have become aware of the matters in question, and had not considered points before that date. The Sub-Committee accepted that point. They were also of the opinion that the decision of the various parties to engage solicitors in communication with one another regarding the dispute did not preclude the submission of a Code of Conduct complaint at an earlier stage., Notwithstanding this however, the Sub-Committee noted the long running background to the dispute, and the alleged actions of the Subject Member and the others subject to the complaint, within the period since May considered by the initial assessment.

The Sub-Committee, on the balance of the information as provided, accepted the reasoning of the initial assessment decision that the concerns raised in the complaint related to the dispute between the parish council as a body and the complainants, which the Complainants then sought to frame as a Code of Conduct complaint against individual councillors, including the Subject Member. They also accepted the analysis that the alleged actions of individual members of that council as part of that dispute, including the Subject Member, would not, if proven, rise to the level of a breach of the Code of Conduct.

From the documentation submitted, however, the Sub-Committee did feel that the actions of the Parish Council as a body had at times during the course of the dispute caused confusion, particularly in relation to the relationship between the Parish Hall Committee and the Parish Council itself. They found it disappointing that the tone of the Parish Council's communication and the confusion around processes undertaken had caused levels of distress to the complainants and contributed to the increasing acrimony between the parties involved. Whilst it considered that the matter was principally a boundary dispute not a Code of Conduct matter, the Sub-Committee felt the Parish Council need not have found itself in a situation where the Subject Member, and the others subject to complaint, faced such allegations.

The Sub-Committee noted the joint statement of the Subject Member and the other members subject to complaint in this matter that it had been the decision of the Parish Council not to pursue a title claim to the disputed area and that the Parish Hall's title had now been registered to avoid further dispute. It therefore hoped all parties could look forward from this point, and submit that it might be helpful if the

decision to conclude the matter and prevent further dispute were appropriately communicated via the Parish Council meeting minutes and the newsletter.

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 Equality Act 2010.

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