

AGENDA

Meeting: **STANDARDS HEARING SUB-COMMITTEE**
Place: **Anderson Room, Sarum College, 19 The Close, Salisbury**
Date: **Monday 12 April 2010**
Time: **9.30 am (Briefing for Members at 8.30am)**

Please direct any enquiries on this Agenda to Janice Green, of Democratic and Members' Services, County Hall, Trowbridge, direct line (01225) 718380 or email janice.green@wiltshire.gov.uk

Press enquiries to Communications on direct lines (01225)713114/713115.

All public reports referred to on this agenda are available on the Council's website at www.wiltshire.gov.uk

Membership:

Wiltshire Council Members

Cllr Malcolm Hewson

Town/Parish Council Co-opted Members

His Hon David MacLaren Webster QC

Independent Co-opted Members

Mr Michael Cronin

Part I

Items to be considered while the meeting is open to the public

1. **Election of Chairman**

To elect a Chairman for this meeting only, who must be an Independent Member.

2. **Declarations of Interest**

To receive any declarations of personal or prejudicial interest.

3. **Exclusion of the Press and Public**

To consider and, if appropriate, pass the following resolution:

That under Section 100(4) of the Local Government Act 1972, the public be excluded from the meeting for the business specified in Item Number 4 below on the grounds that it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 7C 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.

Part II

Items during whose consideration it is recommended that the public should be excluded because of the likelihood that exempt information would be disclosed

4. **Standards Committee Hearing**

4.1. **Pre-Hearing Summary**

Please see attached summary.

4.2. **Procedure for Determination**

Please see attached protocol.

4.3. **Investigators Report**

To consider an investigation report (produced under section 59 of the Local Government Act 2000) pertaining to a complaint made to the Standards Committee regarding the conduct of Councillor Paul Evans of Tidworth Town Council.

Wiltshire Council

Standards Hearing Sub-Committee: 9.30am – 12 April 2010
Sarum College, 19 The Close, Salisbury, SP1 2EE

Pre-Hearing Process Summary

Authority	Tidworth Town Council
Subject member	Councillor Paul Evans
Complainant	Councillor David Sherlock
Case reference number	WC 24/09
Chairman of the Standards Committee hearing	Mr Michael Cronin
Monitoring officer / Legal Adviser to the Standards Hearing Sub-Committee	Mr Ian Gibbons
Clerk of the hearing	Miss Janice Green
Investigator	Mrs Marie Lindsay
Date the pre-hearing summary was produced	25 March 2010
Summary of the complaint	At a meeting of Tidworth Town Council on 2 June 2009 it is alleged that Councillor Evans behaved in such a manner as to bring his office or authority into disrepute and failed to treat others with respect. It is alleged that Councillor Evans carried out an abusive and offensive verbal tirade towards other council members in front of the press and public.
Relevant sections of the Code of Conduct	3(1) - You must treat others with respect 5 - You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
Date, time and place of the hearing	9.30am, Monday 12 April 2010 Sarum College, 19 The Close, Salisbury, SP1 2EE

Findings of fact in the investigation report that are agreed	No written objections received
Findings of fact in the investigation report that are not agreed	None confirmed
Does the subject member disagree with any findings of the investigation report, including reasons for any of these disagreements?	None confirmed
Does the subject member wish to give evidence to the standards committee, either verbally or in writing?	Yes
Does the subject member wish to be represented at the hearing by a solicitor, barrister or any other person?	Not known – no written confirmation received
Does the subject member want to call relevant witnesses to give evidence to the standards committee?	Not known – no written confirmation received
Does the subject member want any of the hearing to be held in private?	Not known – no written views received
Does the subject member want any part of the investigation report or other relevant documents to be withheld from the public?	
Will the Investigator be attending the hearing?	Yes
Proposed procedure for the hearing	Procedure for Determination of Referred Complaints by the Standards Committee (Protocol III – Wiltshire Council Constitution). A copy has been circulated to the subject member.

Protocol III

REVISED PROCEDURE

PROCEDURE FOR DETERMINATION OF REFERRED COMPLAINTS BY THE STANDARDS COMMITTEE

Introduction

Under the provisions of the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007, standards committees may require monitoring officers to conduct investigations into allegations that a member of a relevant council has failed to comply with the code of conduct. The Standards Committee (England) Regulations 2008 (the Regulations) provide a framework for the operation of a locally based system for the assessment, referral, investigation and hearing of complaints of member misconduct. The purpose of this procedure is to set out in detail how the findings of investigations will be heard by the Standards Committee.

1 Interpretation

1.1 'Member' means the elected or co-opted member of the council or an elected or co-opted member of a town or parish council within the council's area who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the member's nominated representative.

1.2 'Investigator' means the person appointed by the monitoring officer to undertake an investigation of an allegation of misconduct. This may include the monitoring officer, and his or her nominated representative.

1.3 'Committee' means a sub-committee of the Standards Committee appointed to discharge the functions of the Standards Committee in relation to the consideration of reports referred by the monitoring officer (Paragraph 17 of the Regulations) and to the hearing of complaints against members (Paragraphs 18 to 20 of the Regulations).

1.4 'Legal Adviser' means the officer responsible for providing legal advice to the Standards Committee. This will usually be the monitoring officer, unless he/she has a conflict of interest in which case another legally qualified officer of the Council, or someone appointed for this purpose from outside the Council, who is also legally qualified.

1.5 'Chairman' means the member appointed as chairman of the committee, who shall be an independent member as defined in the Regulations.

1.6 'Clerk' means the clerk to the Standards Committee

Right to Representation

The member may be represented or accompanied during the meeting by a solicitor, by counsel, or (with the permission of the Committee) by any other person. It should be noted that the costs of such representation must be met by the Member.

3 Legal Advice

The Committee may take legal advice from its Legal Adviser at any time during the hearing or while it is considering the outcome. The substance of any legal advice given to the

Committee should be shared with the member and the investigator if they are present at the hearing.

4 Timescale

A hearing must be held within three months of receipt of the investigator's report by the monitoring officer. However, all hearings will be arranged in the shortest timescale possible and no later than three months. The hearing should not be held until at least fourteen days after the date on which the monitoring officer sent the report to the member, unless the member concerned agrees to the hearing being held earlier.

5 Consideration of reports by the Standards Committee

Where the monitoring officer refers a report to the Standards Committee the committee shall convene to consider that report and make one of the following findings—

- (a) that it accepts the investigating officer's finding of no failure ("a finding of acceptance"); or
- (b) that the matter should be considered at a hearing of the Standards Committee conducted under paragraph 18 of the Regulations; or
- (c) that the matter should be referred to the Adjudication Panel for England for determination.

The committee may only make a finding under sub-paragraph 5 (c) if—

- (a) it has determined that the action it could take against the member would be insufficient were a finding of failure to be made; and
- (b) the president or deputy president of the adjudication panel has agreed to accept the referral.

6 Pre-Hearing

6.1 The following pre-hearing process to deal with procedural matters will normally be carried out in writing, although exceptionally, a face-to-face meeting between the chairman, the member, the legal adviser and the investigator and their representatives may be necessary.

6.2 As soon as reasonably practicable, and in any event within three working days after receiving a copy of the investigator's report from the Investigator, the monitoring officer shall send a copy of the investigator's report to the member, by special delivery or by hand. The member shall be requested to acknowledge receipt of the report immediately by telephone or e-mail. A copy will also be sent to the complainant.

6.3 The ethical governance officer, in consultation with the chairman, will write to the member, enclosing a copy of this procedure, to propose a date for the hearing and to explain the member's rights. They will ask for a written response from the member, within 10 working days, to find out whether or not he or she:

- disagrees with any of the findings of fact in the investigator's report, and if so, which ones and the reasons for any disagreements;
- wants to be represented at the hearing by a solicitor, barrister or any other person (the latter will require the express permission of the committee which is not to be unreasonably withheld);
- wants to give evidence to the committee, either orally or in writing;
- wants to call relevant witnesses to give evidence or submit written evidence on any disagreements as to the findings of fact or mitigation to the committee;

- wants any part of the hearing to be held in private;
- wants any part of the investigator's report or other relevant documents to be withheld from the public; and the reason why
- can come to the hearing.

NOTE: The member is encouraged to use the forms attached to this part of the procedure to identify any findings of fact that he or she disagrees with (Form A) and outline any further evidence that he or she believes the Committee should consider (Form B).

The member is encouraged to give advance consideration to any representations to be taken into account if he or she is found to have failed to follow the code of conduct (Form C).

The member will be asked to give information about his or her requirements for representation and witness attendance at the hearing (Forms D and E).

NOTE: The complainant will be notified of the proposed date, location of the hearing and procedure at the same time as the member.

6.4 The ethical governance officer will ask the investigator to comment on the member's response, within 10 working days from the date of receipt, to say whether or not he or she:

- wants to be represented at any hearing (and if so to indicate their availability to attend);
- wants to call relevant witnesses to give evidence to the Committee;
- wants any part of the hearing to be held in private; and
- wants any part of the Investigator's Report or other relevant documents to be withheld from the public.

6.5 For the avoidance of doubt, should the member and/or the Investigator fail to respond within the time set for a response they will, for the purpose of this procedure, be deemed to have no objection to the findings of fact or the member's response as the case may be.

The committee will meet within 10 working days to consider any responses from the member concerned and the investigator, and to decide whether any other witnesses should be present who it feels may help in determining the case, including the person who made the original allegation. However, no witnesses can be ordered to appear or give evidence. The committee should resolve any issues raised during the pre-hearing process about how the hearing should be conducted.

NOTE: The ethical governance officer will produce a pre-hearing process summary to include information listed in Form F and will include this with the letter to everyone involved.

6.6 When the committee has considered any responses as set out above, the ethical governance officer, in consultation with the legal adviser, will write to everyone involved within five working days of the pre-hearing and at least 10 working days before the hearing, to:

- confirm the date, time and place for the hearing
- summarise the allegation;
- outline the main facts of the case that are agreed;
- outline the main facts which are not agreed;

- state whether the member or the Investigator will attend or be represented at the hearing;
- list those witnesses, if any, who will be asked to give evidence; and
- outline the proposed procedure for the hearing

7 Procedure for the Hearing – Setting the Scene

7.1 After the members of the committee and everyone involved have been formally introduced, the chairman will explain how the committee is going to run the hearing.

7.2 The chairman shall ask members of the committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

7.3 The committee may exclude the press and public from its consideration of this matter, where it appears likely that confidential or exempt information will be disclosed.

The chairman shall ask the member, the investigator and the legal adviser whether they wish to ask the committee to exclude the press or public from all or any part of the hearing. If any of them so request, the chairman shall ask them to put forward reasons for so doing and ask for responses from the other parties present and the committee shall then determine whether to exclude the press and public from all or any part of the hearing.

Where the committee does not resolve to exclude the press and public, the agenda and any documents which have been withheld in advance of the meeting shall then be made available to the press and public.

8. Absence of the member

If the member is not present at the time and place fixed for the hearing and the committee is satisfied that s/he has been given notice of the hearing, the committee may, unless it is satisfied that there is sufficient reason for the member's absence, consider the allegation and make a determination in the absence of the member concerned or adjourn the hearing to another date.

9. Making findings of fact

9.1 After dealing with any preliminary issues, the committee will move on to consider whether or not there are any significant disagreements about the facts contained in the Investigator's report or other pre hearing papers circulated with the agenda.

9.2 If there is no disagreement about the facts, the committee will move on to the next stage of the hearing set out at section 10 below.

9.3 If there is a disagreement, the investigator, if present, will be invited to make any representations to support the relevant findings of fact in the report. With the committee's permission, the Investigator may call any necessary supporting witnesses to give evidence. The committee will give the member an opportunity to challenge any evidence put forward by any witness called by the Investigator.

9.4 The member will have the opportunity to make representations to support his or her version of the facts and, with the committee's permission, to call any necessary witnesses to give evidence.

9.5 The committee may at any time question any of the people involved or any of the witnesses, and will allow the Investigator to challenge any evidence put forward by witnesses called by the member.

9.6 If the member disagrees with any relevant fact in the investigator's report, without having given prior notice of the disagreement, he or she must give good reasons for not mentioning it before the hearing. After considering the member's explanation for not raising the issue at an earlier stage, the committee may, if the Investigator is present:

- continue with the hearing, relying on the information in the Investigator's Report;
- allow the member to make representations about the issue, and invite the Investigator to respond and call any witnesses, as necessary; or
- adjourn the hearing to arrange for appropriate witnesses to be present.

Should the circumstances mentioned in paragraph 9.6 arise, and the Investigator is not present, the committee will consider whether or not it will be in the public interest to continue in his or her absence. If the committee decides that it is not in the public interest to continue, it shall adjourn the hearing to allow the Investigator to attend or to make further representations.

9.7 The committee may at any stage prior to the conclusion of the hearing adjourn the hearing and require the Investigator to seek further information or undertake further investigation on any point specified by the committee. No more than one adjournment may be allowed on this basis.

9.8 The committee may at any stage prior to the conclusion of the hearing adjourn the hearing and make a written request to the ethical standards officer of the Standards Board that the matter is referred to the ethical standards officer for further investigation. The committee must set out its reasons for making the request. Only one such request may be made by the committee.

9.9 The committee will usually move to another room to consider the representations and evidence in private. The clerk shall accompany the committee.

9.10 On their return, the chairman will announce the committee's findings of fact.

10 Did the member fail to comply with the 'Code of Conduct'?

10.1 The committee will determine whether or not, based on the facts either as agreed at section 9.2 above or based on its findings following sections 9.3 to 9.10, the member has failed to comply with the 'Code of Conduct' (Code).

10.2 The committee will consider any oral or written representations from the member as to why the committee should decide that he or she has not failed to comply with the Code of Conduct.

10.3 The committee will consider any oral or written representations from the Investigator as to why the committee should decide that the member has failed to comply with the Code of Conduct.

10.4 The committee may, at any time, question anyone involved on any point they raise in their representations.

10.5 The member will, if present, be invited to make any final relevant points.

10.6 The committee will move to another room to consider the representations. The clerk shall accompany the committee.

10.7 The committee may make one of the following findings:-

- the member has not failed to comply with the council or other relevant authority's Code of Conduct; or
- the member has failed to comply with the council or other relevant authority's code of conduct.

10.8 On their return, the chairman will announce the committee's decision as to whether or not the member has failed to comply with the Code of Conduct.

11 If the member has not failed to comply with the Code of Conduct

11.1 If the Committee decides that the member has not failed to comply with the Code of Conduct, in the manner set out in the investigator's report, the committee will consider, having regard to any oral or written representations from the Investigator, whether it should make any recommendations to the Council or other relevant authority with a view to promoting high standards of conduct among members.

11.2 If the committee considers, from the evidence which they have received during the hearing, that a member has failed to comply with the Code of Conduct for reasons other than those covered by the complaint) the chairman will outline the committee's concerns whilst recognising that there can be no further action without a written complaint.

11.3 Finally, the chairman will ask the member whether he/she wishes the council not to publish a statement of its findings in accordance with the Regulations.

12. If the member has failed to comply with the Code of Conduct

12.1 If the committee decides that the member has failed to comply with the Code of Conduct, it will consider any oral or written representations from the Investigator and the member as to:

- whether or not the committee should impose a sanction; and
- what form any sanction should take.

12.2 The committee may question the Investigator and member, and take legal advice, to make sure they have the information they need in order to make an informed decision.

12.3 The committee will then move to another room to consider whether or not to impose a sanction on the member and, if so, what the sanction should be. The clerk shall accompany the committee.

12.4. In accordance with paragraph 19 of the regulations the committee may impose any one of, or any combination of the following sanctions:-

(a) censure of the member;

(b) restriction for a period not exceeding six months of the member's access to the premises of the Council or authority concerned or the member's use of its resources, provided that those restrictions—

(i) are reasonable and proportionate to the nature of the breach; and

(ii) do not unduly restrict the member's ability to perform the functions of a member;

(c) partial suspension of the member for a period not exceeding six months;

(d) suspension of the member for a period not exceeding six months;

- (e) that the member submits a written apology in a form specified by the committee;
- (f) that the member undertakes such training as the committee specifies;
- (g) that the member participates in such conciliation as the committee specifies;
- (h) partial suspension of the member for a period not exceeding six months or until such time as the member has submitted a written apology in a form specified by the committee;
- (i) partial suspension of the member for a period not exceeding six months or until such time as the member has undertaken such training or has participated in such conciliation as the committee specifies;

12.5 On their return, the chairman will announce the committee's decision

12.6 Any sanction imposed by the committee (other than censure) shall commence immediately unless the committee directs that it shall commence on any date specified within six months of the date of the hearing.

12.7 If, at any time before the committee has determined upon any appropriate sanction, the committee considers that the nature of the failure to comply with the Code of Conduct is such that the appropriate sanction would exceed the powers of the Standards Committee, the committee may request that the matter is referred to the adjudication panel for determination.

13. The written decision

13.1 The committee will announce and provide a short written note of its decision on the day of the hearing. It will issue a full written decision as soon as reasonably practicable after the hearing.

13.2 After the hearing, the ethical governance officer will prepare a written notice of the committee's determination and shall arrange for the distribution and publication of the notice in accordance with the requirements of paragraph 20 of the regulations.

14. Appeals

14.1 The member will be advised of their right to appeal in accordance with paragraph 21 of the regulations.

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WILTSHIRE COUNCIL

AGENDA ITEM NO. 4c

STANDARDS HEARING SUB-COMMITTEE
12 April 2010

Consideration of an Investigator's report

Complaint regarding the alleged conduct of Councillor Paul Evans – Tidworth Town Council

1. On 23 June 2009 the Monitoring Officer of Wiltshire Council received a complaint from Councillor David Sherlock regarding the alleged conduct of Councillor Paul Evans, a member of Tidworth Town Council. The complaint is enclosed at pages 31 - 38 of the agenda, within the Investigation Report attached at **Appendix A** (page 13).
2. The complaint concerns allegations that at a meeting of Tidworth Town Council on 2 June 2009 Councillor Evans behaved in such a manner as to bring his office or authority into disrepute and failed to treat others, including the complainant, with respect. It is alleged that Councillor Evans carried out an abusive and offensive verbal tirade towards other council members in the presence of the press and public, resulting in the meeting ultimately being suspended.
3. The complainant alleges that Councillor Evans' behaviour breached paragraphs 3(1) and 5 of the Code of Conduct:
 - **3(1)** – You must treat others with respect
 - **5** – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute
4. Tidworth Town Council has adopted the Model Code of Conduct for Members, enclosed at pages 39 - 45 of the agenda, within the Investigation Report attached at **Appendix A** (page 13).
5. On 7 July 2009, the Standards Assessment Sub-Committee of Wiltshire Council considered the complaint regarding Councillor Evans. In accordance with section 57A(2) of the Local Government Act 2000 as amended, the Assessment Sub-Committee decided that the complaint should be referred to the Monitoring Officer for investigation.

6. The Monitoring Officer delegated his investigatory powers to Mrs Marie Lindsay, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000. A copy of the Investigator's report is attached at **Appendix A** (page 13).
7. The Investigator's report found that there **has** been a breach of paragraphs 3(1) and 5 of the Code of Conduct.
8. On 9 February 2010 the Investigator's report went before the Standards Consideration Sub-Committee. The Sub-Committee considered both alleged breaches of paragraphs 3(1) and 5 of the Code of Conduct as set out in point 3 above. The Sub-Committee agreed that the matter should be referred to a Standards Committee Hearing for determination, pursuant to paragraph 17 (1) (b) of the Standards Committee (England) Regulations 2008.
9. The minutes of the Consideration Sub-Committee's meeting of 9 February 2010 are attached at **Appendix B** (page 101).
10. The Hearing Sub-Committee is therefore required to determine whether Councillor Evans breached paragraphs 3(1) and 5 of the Code of Conduct.

Ian Gibbons, Monitoring Officer

Report Author: Marie Lindsay, Ethical Governance Officer

Tel: 01225 718465

Date of report: 25 March 2010

Background Papers

Final Investigation Report – 20 January 2010

PRIVATE AND CONFIDENTIAL

FINAL REPORT

Case Reference: WC 24/09

Report of an investigation under Section 57(A)(2)(a) of the Local Government Act 2000 as amended and Regulation 14 of the Standards Committee (England) Regulations 2008, by Marie Lindsay, appointed by the Monitoring Officer for Wiltshire Council into an allegation concerning Councillor Paul Evans.

DATE: 20th January 2010

Contents

- 1 Executive summary**
- 2 Councillor Paul Evans' official details**
- 3 The relevant legislation and guidance**
- 4 The evidence gathered**
- 5 The complaint**
- 6 Summary of the material facts**
- 7 Councillor Evans' additional submissions**
- 8 Reasoning as to whether there have been failures to comply with the Code of Conduct**
- 9 Finding**

Appendix A Schedule of evidence taken into account and list of unused material

1 Executive summary

- 1.1 On 23rd June 2009 the Monitoring Officer of Wiltshire Council received a complaint from Councillor David Sherlock of Tidworth Town Council. Councillor Sherlock alleges that at a meeting of the Council on 2nd June 2009 another member of Tidworth Town Council, Councillor Paul Evans, behaved in such a manner as to bring his office or authority into disrepute and failed to treat others with respect.
- 1.2 In summary, the allegation is that at the meeting on 2nd June 2009 Councillor Evans carried out an abusive and offensive verbal tirade towards other council members in front of the press and public. He failed to comply with requests from the Chairman to cease his behaviour, resulting in the meeting becoming untenable and ultimately being suspended.
- 1.3 On 7th July 2009 the Assessment Sub-committee of Wiltshire Council's Standards Committee considered the complaint. In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Sub-committee decided to refer the complaint to the Monitoring Officer for investigation.
- 1.4 The Monitoring Officer delegated his investigatory powers to me, Marie Lindsay, Ethical Governance Officer, pursuant to section 82A of the Local Government Act 2000
- 1.5 The investigation was undertaken in accordance with the statutory framework for investigations and guidance issued by Standards for England. The Investigating Officer has found that Councillor Evans has failed to treat others with respect and has conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute, thereby breaching paragraphs 3(1) and 5 of the Code of Conduct respectively.
- 1.6 Attached to this report is a schedule of evidence containing the documents referred to in it.

2 Councillor Evans' official details

- 2.1 Councillor Paul Evans was co-opted to Tidworth Town Council on 15th May 2007 for a term that has been extended to 2013.
- 2.2 Councillor Paul Evans does not currently serve on any committees.
- 2.3 Councillor Evans gave a written undertaking to observe the Code of Conduct on 15th May 2007 (Appendix A1.5, page 31).

- 2.4 Councillor Evans has not received any training on the Code of Conduct. Material on the Code of Conduct recently issued by Wiltshire Council was discussed at the Strategy Committee meeting of Tidworth Town Council on 17th November 2009. Councillor Evans is not a member of the Strategy Committee.

3 The relevant legislation and guidance

- 3.1 Tidworth Town Council has adopted a Code of Conduct with effect from 5th June 2007 in which the following paragraphs are included:

- *3(1) – You must treat others with respect*
- *5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*

- 3.2 Standards for England guidance in respect of these provisions is as follows:

- *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.

- *You must not bring your office or authority into disrepute while acting in your official capacity, or at any time through criminal activity that leads to a criminal conviction*

As a member, your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions in both your public and private life might have an adverse impact on your office

or your authority. Dishonest and deceitful behaviour in your role as a member may bring your authority into disrepute, as may conduct in your private life which results in a criminal conviction, such as dishonest, threatening or violent behaviour.

4 The evidence gathered

4.1 I have taken account of oral evidence from:

- The complainant, Councillor D Sherlock
(Appendix A2.1, page 38 and Appendix A2.14, page 61)
- The subject member, Councillor P Evans
(Appendix A2.10, page 53)
- Councillor S Dagger, Chairman of Tidworth Town Council
(Appendix A2.2, page 40)
- Councillor W Lomas
(Appendix A2.4, page 43)
- Councillor D Wildman
(Appendix A2.5, page 46 and Appendix A2.6, page 48)
- Councillor A Connolly
(Appendix A2.12, page 57)
- Councillor S Miles
(Appendix A2.13, page 59)

4.2 Each interviewee was given the opportunity to provide their comments on the draft interview record and asked to return a signed copy. They were advised that failure to provide any comments or return the signed interview record would be taken as confirmation of their acceptance of that record. The following records are unsigned:

- Councillor D Sherlock
- Councillor S Dagger (however, email confirmation received – see page 42)
- Councillor A Connolly
- Councillor S Miles

4.3 I have also taken account of the following documentary evidence:

- Minutes of Tidworth Town Council meeting 5th May 2009
(Appendix A3.1, page 62)
- Minutes of Tidworth Town Council meeting 2nd June 2009
(Appendix A3.3, page 68)
- Letter from Councillor Dagger to Wiltshire Association of Local Councils (WALC) requesting advice, undated
(Appendix A3.9, page 80)
- Letter of advice from WALC to Councillor Dagger, 1st June 2009
(Appendix A3.10, page 81)
- Article published in the Andover Advertiser newspaper, 5th June 2009
(Appendix A3.4, page 70)

- Attendance records for Tidworth Town Council meetings, June 2008 to May 2009.

- 4.4 There has been some delay in completing the investigation as I was initially unable to contact Councillor Evans and there was some uncertainty over his address. I wrote to Councillor Evans about the complaint on 4th August and 13th August 2009 and received no correspondence from him in return. The Clerk to Tidworth Town Council stated his address slightly differently to that used by Councillor Evans on his Register of Members' Interests form. The post code differed slightly and the Clerk had omitted part of the name of the road. As a result, the address used on the letter of 4th August was that provided by Councillor Evans himself on his Register of Members Interests form and was subsequently found to have an incorrect postcode and the incorrect county of Wiltshire instead of Hampshire (Tidworth is on the border of the two counties). The postcode was corrected on the following letter dated 13th August. Neither letter was returned from the post office.
- 4.5 Subsequent letters dated 28th September and 6th October inviting Councillor Evans for interview were correctly addressed. The Clerk confirmed the address as being that to which council agendas and correspondence were sent and she also confirmed that Councillor Evans had attended recent meetings of the Town Council on 1st September and 6th October 2009. The only telephone number held by the Clerk for Councillor Evans is a mobile number, however, this number was unavailable when dialled.
- 4.6 Councillor Evans contacted me by telephone on 22nd October 2009 to say that he had been away but that he was now available for interview. The interview was conducted on 5th November 2009 and Councillor Evans stated that he does have difficulty receiving his post and that some letters do go astray.
- 4.7 The interview with Councillor Evans identified two additional witnesses and gave rise to the need to carry out a further interview with the complainant, Councillor Sherlock.

5 The complaint

- 5.1 Councillor Sherlock's complaint is set out on his complaint form (Appendix A1.3, page 21) as follows:

At the Tidworth Council meeting held on Tuesday the 2nd of June Councillor Paul Evans proceeded to abuse the whole council accusing them of "being a waste of time and a shambles". He was asked to stop his tirade against the council and refused, continuing to ramble more loudly. Finally the chairman Cllr Steve Dagger had to suspend the meeting.

During the tirade he brought the whole council into disrepute and Lt Col Carmen representing the Garrison left the meeting during the proceeding as a result of Cllr Evans.

Minutes later whilst I was getting refreshment Cllr Paul Evans then set about verbally abusing Cllr David Wildman in front of the Andover Press, accusing him of only attending meetings when he wished to vote monies" for his own causes" and stating he was only on the council to promote his own commercial interests, these comments were then extended to myself and he questioned "what I had done for the council"? Then he ranted again stating that I'd never worked in my life having been employed in the Military for 36 years. This outburst culminated in him telling me to " PISS OFF!"

He continued remonstrating and his expletives I cannot recall but they got more abusive and as a result he was cautioned by Cllr Bill Lomas an ex Policeman, who said if he did not stop there and then he would make a civil arrest under section 5 of the public order offence.

All this was overheard by most members of the council and the Andover press.

Details of the suspension of the council and reasons for; were printed by the Andover Advertiser on the Friday June the 5th.

All the above mentioned personnel in my report will confirm details.

I believe he has broken section 3 (1) of the code of conduct, together with Section 5 Bringing his office and the authority into disrepute.

Also:

Members code of conduct

He has shown little respect for others.

6 Summary of the material facts

- 6.1 Councillor Evans is (and was at the relevant time) a member of Tidworth Town Council and as a member of the Council is subject to their Code of Conduct.
- 6.2 On 5th May 2009 elections were held for the Chairman and Vice-Chairman of Tidworth Town Council. There were two candidates for Chairman, Councillor S Dagger and Councillor C Franklin. Councillor Dagger was nominated by Councillor Carmichael and seconded by Councillor Jones. Councillor Franklin was nominated by Councillor Evans and seconded by Councillor Lomas.

- 6.3 The election of the Chairman was conducted by secret ballot. When the votes were being collected one councillor left her ballot paper open as she handed it back to the Clerk. The Clerk noticed that it had been completed incorrectly as it had been marked with the name of the councillor completing it rather than that of one of the two candidates. The Clerk then explained the correct procedure, wrote the names of the candidates on her own notepad and the councillor completed a ballot paper correctly. A total of 14 votes were cast, seven for each candidate, resulting in a tie. In these circumstances the outgoing chairman, Councillor Dagger, had the casting vote and he was re-elected as Chairman.
- 6.4 The election of Vice-Chairman was uncontested and Councillor Miles, who had been nominated by Councillor Evans, was appointed. However, as a result of the events surrounding the election of the Chairman, Councillor Miles felt unable to take up the position of Vice-Chairman. At the subsequent meeting on 2nd June Councillor Sherlock was appointed as Vice-Chairman.
- 6.5 After the meeting on 5th May had closed, discussions arose about whether the correct procedure for the election of chairman had been followed and a number of Councillors, including Councillor Evans, were unhappy with the outcome. Those Councillors identified as being unhappy about the election process include Councillor C Franklin (the unsuccessful candidate), Councillor A Connolly, Councillor Lomas, Councillor Hamblin and Councillor Miles.
- 6.6 Prior to the next meeting scheduled for 2nd June 2009 Councillor Dagger sought advice from the Wiltshire Association of Local Councils (WALC) about the procedures that had been followed. A request was made by Councillor Franklin for the matter to be put on the agenda for the meeting on 2nd June, which Councillor Dagger declined on the grounds that he was still awaiting a response from WALC. Councillor Evans was also unhappy that a separate item had not been added to the agenda. The advice from WALC was received by fax on 1st June 2009 and stated that the best course of action had been taken under the circumstances.
- 6.7 The Tidworth Town Council meeting of 2nd June was a public meeting and was attended by one member of the public, Mr F Galvin and a representative of the press, Mr S Dancey of the Andover Advertiser.
- 6.8 The agenda items included matters arising from the previous meeting and Councillor Franklin raised the issue of the previous month's elections and the spoilt ballot paper. Other councillors who participated in the discussions included Councillor Evans and Councillor A Connolly and it is apparent from the evidence that a lively debate took place.
- 6.9 The evidence of Councillors Sherlock, Dagger, Lomas and Wildman is that during the debate Councillor Evans became aggressive and

abusive. He has been described as being out of control, conducting a tirade of abuse and exhibiting disruptive and demeaning behaviour. His comments were directed at the Council as a whole and he is reported by both Councillor Sherlock and Councillor Wildman to have referred to the Council as being 'a waste of time and a shambles'.

- 6.10 Councillor Evans recalls that he may well have said that the Council was a waste of time and a shambles. He says that he also made it clear that he wanted the minutes of the last meeting to say that the election had been a 'farce'. He confirms that he spoke up on the issue because he wished to express his opinion that the spoilt ballot paper should have been discarded. He was annoyed that the Chairman had sought advice from WALC outside a formal meeting and he was concerned that he had not seen the contents of the letter seeking advice from WALC nor the response received. Councillor Evans does acknowledge that he 'did push things to its limit' and that his behaviour was 'quite forceful' and 'fiery'.
- 6.11 It is alleged that Councillor Evans ignored requests by the Chairman and other Councillors to conduct himself in a reasonable manner and refused to accept that due process with regard to the elections had been followed. Councillor Evans confirms that the Chairman did ask him to be quiet to which he replied 'don't try to shut me up'. He was concerned that the Chairman was trying to prevent the issue from being discussed.
- 6.12 The evidence of Councillor Miles is that Councillor Evans began by offering constructive criticism and that he got more agitated as a result of being asked to be quiet. Councillor Connolly supports this view by stating that matters were probably made worse by the Chairman not allowing Councillor Evans to have his say. Councillor Miles goes on to state that the tempers of Councillor Wildman and Councillor Dagger also rose and that most members of the Council had something to say on the matter of the election.
- 6.13 The meeting became untenable and was adjourned for 10 minutes to allow the situation to cool off and for calm and order to be restored. It is unclear whether it was the Chairman or Councillor Connolly who proposed the short adjournment.
- 6.14 Lt Col R Carmen, who had been invited to attend the meeting as a representative of Garrison HQ, made it clear that he was not impressed by the course of events and left the meeting. Councillor Hewitt also left for the same reason.
- 6.15 During the 10 minute break a number of councillors, including Councillors Dagger, Wildman and Lomas initially remained seated around the table. It is alleged that Councillor Evans accused Councillor Wildman of only being on the council for his own personal gain, a comment which Councillor Wildman found deeply offensive as he is a

member of many local organisations and has never claimed any expenses from his work for the community. Councillor Wildman considers that such comments, made in a public arena and within earshot of the press and public, will only serve to ruin all the hard work that has been done over the years to drive Tidworth forward. Councillor Evans acknowledges that he did make reference to Councillor Wildman hardly ever attending council meetings but he was not disputing that Councillor Wildman does good work for Tidworth.

- 6.16 At one end of the hall of the Tidworth Community Centre where the meeting was being held there is a serving hatch which connects to a small kitchen area just off the main hall. During the break Councillor Sherlock went over to the hatch to get refreshment. Councillor Evans was at the time standing on the other side of the hatch in the kitchen with Councillor Miles.
- 6.17 Councillor Sherlock states that he raised the issue of Councillor Evans' behaviour with him and told him that he thought it was 'disgusting'. Councillor Evans responded with personal derogatory comments about Councillor Sherlock's previous military career, saying that it had been a waste of time. He also accused Councillor Sherlock of having been 'cosseted' in the army and that as a result he did not know anything. The exchange that followed culminated in Councillor Evans telling Councillor Sherlock to 'Piss Off'.
- 6.18 Councillor Evans confirms that he did swear at Councillor Sherlock but that it was in response to Councillor Sherlock saying to him 'What the f**k have you ever done for Tidworth. As for your Tidworth Rocx festival you're only there for yourself'. Councillor Evans was livid at hearing these comments and having been sworn at and an exchange took place during which he replied 'What do you know, you have only been here for a couple of months. You've no idea what I've done, piss off and sling your hook'.
- 6.19 Councillor Sherlock refutes that he swore at Councillor Evans and he categorically states that he would not say such a thing in front of colleagues, some of whom were female. He claims to have no reason to mention the Tidworth Rocx festival and no reason to be vindictive.
- 6.20 This expletive uttered by Councillor Evans was witnessed by Councillors Lomas and Wildman. It is suggested by Councillor Sherlock that it was also witnessed by Councillors Buffrey, Birch and A Connolly, as well as Mr Dancey of the Andover Advertiser.
- 6.21 I have not been able to identify any witnesses to the allegation of swearing by Councillor Sherlock. It is suggested by Councillor Evans that Councillor Miles would have witnessed the swearing however Councillor Miles states that although he heard some of the exchange he did not hear any expletives from either Councillor Evans or

Councillor Sherlock.

- 6.22 Upon hearing the expletives used by Councillor Evans, Councillor Lomas warned him that he was in danger of committing a public order offence and that if he continued to use profanities he would make a citizen's arrest under Section 5 of the Public Order Act. At this point Councillor Evans became quiet.
- 6.23 The meeting was reconvened and Councillor Evans returned to the table. Councillor A Connolly tabled a motion to suspend the meeting because he did not feel like carrying on under the circumstances. A further motion was tabled by Councillor Miles to suspend the meeting after the consideration of two urgent items and this was passed unanimously.
- 6.24 The reporter for the Andover Advertiser who had been present at the meeting reported the events in the newspaper on 5th June 2009 under the headline 'Council meeting ends in uproar'. The article makes reference to Councillor Evans being particularly disgruntled and voluble and to the fact that he was threatened by Councillor Lomas with a citizen's arrest. Councillor Evans considers the coverage of the meeting to be good news for bringing a much needed shake up in the Council and that as a result members have begun to 'watch what they are saying'.
- 6.25 A number of those Councillors interviewed have expressed dissatisfaction with the reference in the minutes to the '.....heated discussion causing embarrassment to the Council'. A motion at the following meeting in July to have this reference removed was unsuccessful and Councillors Evans, A Connolly and Miles are unhappy that it remained in the minutes. It is argued that it is not a reflection of the feeling of all Council members, that no views on this were sought prior to it being included and that as it is an emotion and not a matter of fact it has no place in council minutes.
- 6.26 The draft minutes had also initially contained a reference to the threat of citizen's arrest however it was agreed that this reference should be removed.

7 Councillor Evans' additional submissions

- 7.1 None

8 Reasoning as to whether there have been failures to comply with the Code of Conduct

- 8.1 The Code of Conduct requires that:

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

- 8.2 There can be no doubt that Councillor Evans was at the material time acting, claiming to act or giving the impression that he was acting as a representative of Tidworth Town Council. The discussions taking place were in respect of Council business and his initial outburst was made whilst the meeting was in progress.
- 8.3 The layout of the room, with Councillors and the military representative seated around a central table with the press and public sitting behind, would leave no doubt about Councillor Evans' role at the meeting. Also, Councillor Evans was identified as a Councillor in the article by Steve Dancey in the Andover Advertiser.
- 8.4 With regard to Councillor Evans' behaviour during the 10 minute recess, it could be argued that these comments were not made whilst Councillor Evans was conducting the business of the authority as the meeting had at this time been adjourned. I would, however, disagree with this argument. Councillor Evans had not left the premises where the Council meeting was being held and it would be reasonable for a member of the public to assume that he was still acting as a representative of his authority. The kitchen area is linked to the main hall by a serving hatch at which Councillor Sherlock was standing when Councillor Evans told him to 'Piss Off'. Even though Councillor Evans was standing in the kitchen at the time his words were sufficiently loud to be heard by Councillor Lomas and Councillor Wildman who had remained sitting at the meeting table.
- 8.5 Councillor Evans is accused of failing to comply with the following paragraphs of the Code of Conduct:
- *3(1) – You must treat others with respect*
 - *5 – You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute*
- 8.6 With regard to the issue of respect there are a number of occasions at the meeting when Councillor Evans failed to treat others with respect.
- 8.7 Firstly, Councillor Evans ignored the Chairman's numerous requests to calm down during the general discussions about the election of the Chairman. Councillor Evans confirms that he did say 'don't try to shut

me up' but that this was because he was concerned that members of the Council were being 'walked over'. Councillor Evans himself describes his behaviour as 'quite forceful' and 'fiery' and admits that he 'did push things to its limit'.

- 8.8 The statements of Councillor Miles and Councillor Connolly indicate that the situation may not have arisen or could have been controlled if the meeting had been 'handled properly by the Chairman', if the Chairman had allowed Councillor Evans 'a fair crack of the whip' and if the Chairman had not 'lost control of the meeting'. It must be noted, however, that Councillor Franklin, the unsuccessful candidate for the Chairmanship, whilst being clearly unhappy with the procedures followed appears to have challenged the decision with restraint. Councillor Lomas, who seconded the proposal to elect Councillor Franklin and could therefore also be regarded as having a particular interest in the election result, has provided a witness statement to confirm that in his view the behaviour of Councillor Evans was unacceptable.
- 8.9 Councillor Evans then went on to make comments of a personal nature to both Councillor Sherlock and Councillor Wildman, comments which were not related to the subject under discussion and which caused considerable offence.
- 8.10 The comments made to Councillor Wildman are alleged to have been that 'people like you that are only in it for the expenses and only turn up when you want something'. Councillor Evans confirms that he did make reference to Councillor Wildman not having attended many meetings but he does not deny that Councillor Wildman does good work for Tidworth. Councillor Sherlock and Councillor Miles both confirm that Councillor Evans made comments to Councillor Wildman along the lines of only being on the Council to promote his own personal interests and attending when there is something in it for him.
- 8.11 The attendance records provided by the Clerk to Tidworth Town Council for the 12 month period from June 2008 to May 2009 show that Councillor Wildman has attended four out of a total of ten meetings. Whilst it could be argued that Councillor Evans was merely referring to a statement of fact, I believe that this was not the appropriate time and place for such comments to be made. I would question the tone of Councillor Evans's comments to Councillor Wildman, given the already charged atmosphere.
- 8.12 Councillor Sherlock alleges that the personal comments made to him by Councillor Evans include a reference to his military career having been a waste of time. Councillor Evans does not deny that he made comments of a personal nature to Councillor Sherlock but he says that he was referring to his length of service as a Councillor and told him 'What do you know, you've only been here for a couple of months. You've no idea what I've done, piss off and sling your hook.' Councillor

Evans states that his outburst was in response to comments by Councillor Sherlock telling him 'what the f**k have you ever done for Tidworth. As for your Tidworth Rocx festival you're only there for yourself'. Councillor Sherlock categorically denies swearing at Councillor Evans and there are no witnesses to confirm that he did so.

- 8.13 There is no doubt that Councillor Evans swore at Councillor Sherlock. This was witnessed by Councillors Lomas and Wildman and due to the position of the serving hatch possibly by other Councillors and the representative of the press, as suggested by Councillor Sherlock. This incident caused such offence as to prompt Councillor Lomas to threaten to conduct a citizen's arrest and it appears that it was only at this point that Councillor Evans calmed down.
- 8.14 It is alleged by Councillor Connolly that the exchange between Councillor Evans and Councillor Sherlock was a '50:50 battle of words' and that both were exhibiting aggressive behaviour. There is no evidence to suggest that Councillor Sherlock lost his temper, other than the un-collaborated statement made by Councillor Evans that Councillor Sherlock swore at him first. Councillor Sherlock states that the exchange was 'more than talking' but he would not describe it as aggressive. No allegations have been made that Councillor Sherlock was exhibiting unreasonable behaviour and there are no witnesses to support the claim by Councillor Evans that Councillor Sherlock swore at him.
- 8.15 Councillor Connolly indicates in his statement that there is an acrimonious personal relationship between Councillor Evans and Councillor Sherlock which he believes spilled over into the meeting. Councillor Evans himself has not suggested that this is the case and Councillor Sherlock has stated that there is no reason for there to be any animosity between them. I can find no additional evidence of a personal dispute between Councillor Evans and Councillor Sherlock and the evidence of Councillors Dagger and Lomas is that subsequent Council meetings passed without incident.
- 8.16 The next question is whether Councillor Evans' behaviour could reasonably be regarded as bringing his office or authority into disrepute. As a result of Councillor Evans' behaviour the meeting reached such an untenable position that it had to be adjourned and ultimately suspended. It has been suggested by Councillor Connolly that a number of other Councillors were also 'hot under the collar' however Councillor Evans accepts that he 'did push things to the limit'.
- 8.17 Councillor Evans' behaviour was the cause of Lt Col Carmen and Councillor Hewitt leaving the meeting at the start of the 10 minute adjournment. Lt Col Carmen is a senior military figure and his early departure and apparent disgust could reasonably be regarded as having damaged relations between the army and the Council, despite the assertion of Councillor Connolly that Lt Col Carmen is likely to have

used the outburst as an excuse to leave the meeting early. A potential damaging of relations is certainly a concern of Councillor Wildman who has been involved in a lot of previous work to strengthen relations between the Town Council and the military. Councillor Evans himself accepts that the events that unfolded would have come as a surprise to Lt Col Carmen and that it was 'not what he was at the meeting for'.

- 8.18 The meeting was reported in the local press under the headline 'Council meeting ends in uproar'. Reference was made to Councillor Evans being the most voluble person present at the meeting and the subject of a threatened citizen's arrest. Councillor Evans is pleased that the events were recorded in the press and does not see it as being detrimental to the Council but rather as a positive outcome that has 'brought a much needed shake up'. The reported behaviour is not what I consider a reasonable member of the public would expect of elected representatives acting in an official capacity.
- 8.19 The motion that was tabled after the adjournment by Councillor Jones in an attempt to move the meeting on was agreed by all Councillors present except for one. The subsequent motion to suspend the meeting after the consideration of two urgent items was agreed unanimously. This is indicative of high levels of disquiet in the room and the desire by all present to draw the meeting to a close.

9 Finding

- 9.1 Councillor Miles suggests that the situation could have been avoided if the Chairman had kept a better grip of the meeting and people had not been allowed to 'rant on' more than they were. He goes on to say that Councillor Evans has a reputation for saying what he thinks and has been shouted down on more than one occasion previously. In my opinion this does not excuse the behaviour by Councillor Evans which in his own words was 'fiery' and did 'push things to the limit'. Other disgruntled members of the Council did not behave in such a manner and the whole incident reached such a pitch that it culminated in Councillor Evans telling Councillor Sherlock to 'piss off'.
- 9.2 The Sub-committee will want to consider whether there are any mitigating circumstances concerning Councillor Evans' behaviour. However, the overwhelming evidence is that Councillor Evans has failed to treat others with respect and that he has conducted himself in a manner that could be reasonably regarded as bringing his office or authority into disrepute.
- 9.3 The finding of the Investigating Officer is, therefore, that Councillor Evans has breached paragraph 3 (1) and paragraph 5 of the Code of Conduct.

Appendix A

Schedule of evidence taken into account

Case No: WC 24/09

Core documents

Doc No	Description	Pages
A1.1	Letter of complaint from Councillor Sherlock, 5 June 2009	18
A1.2	Letter to Councillor Sherlock requesting further and better particulars, 10 June 2009	19-20
A1.3	Complaint form submitted by Councillor Sherlock, 23 June 2009	21-25
A1.4	Code of Conduct adopted by Tidworth Town Council on 5 June 2007 with effect from 3 May 2007	26-32
A1.5	Declaration of Acceptance of Office of Councillor Evans dated 15 May 2007	33
A1.6	Register of Members' Interests of Councillor Evans, 15 May 2007	34-37

Notes of telephone conversations, letters, and interviews with witnesses

Doc No	Description	Pages
A2.1	Record of interview with Councillor Sherlock, 8 September 2009	38-39
A2.2	Record of interview with Councillor Dagger, 10 September 2009	40-41
A2.3	Email from Councillor Dagger confirming record of interview as being true and correct, 17 September 2009	42
A2.4	Record of interview with Councillor Lomas, 10 September 2009	43-45
A2.5	Record of interview with Councillor Wildman, 16 September 2009	46-47
A2.6	Additional statement provided by Councillor Wildman, 16 September 2009	48
A2.7	Letter to Councillor Evans requesting contact to arrange interview, 28 September 2009	49
A2.8	Letter to Councillor Evans requesting interview or written evidence, 6 October 2009	50-51
A2.9	File note detailing contact from Councillor Evans, 22 October 2009	52
A2.10	Record of interview with Councillor Evans, 5 November 2009	53-55

A2.11	File note concerning additional witnesses, 5 November 2009	56
A2.12	Record of interview with Councillor A Connolly, 18 November 2009	57-58
A2.13	Record of interview with Councillor Miles, 30 November 2009	59-60
A2.14	Record of additional interview with Councillor Sherlock, 7 December 2009	61

Minutes of meetings and other documentary evidence

Doc No	Description	Pages
A3.1	Minutes of Tidworth Town Council meeting, 5 May 2009	62-65
A3.2	Draft minutes of Tidworth Town Council meeting, 2 June 2009	66-67
A3.3	Final minutes of Tidworth Town Council meeting, 2 June 2009	68-69
A3.4	Extract from Andover Advertiser newspaper , 5 June 2009	70
A3.5	Report to Standards (Assessment) Sub-Committee, 7 July 2009	71-72
A3.6	Decision notice of Assessment Sub-Committee, 7 July 2009	73-74
A3.7	Letter from Monitoring Officer appointing Investigating Officer, 5 August 2009	75-76
A3.8	Investigation Plan, 12 August 2009	77-79
A3.9	Letter from Councillor Dagger to the Wiltshire Association of Local Councils (WALC) requesting advice about the election procedures, undated	80
A3.10	Letter from WALC to Councillor Dagger providing advice, 1 June 2009	81
A3.11	Email from Clerk providing details of Tidworth Town Council Code of Conduct training, 5 October 2009	82
A3.12	Email from Clerk providing attendance records, 12 November 2009	83-86

Councillor Evans' comments on draft report

Doc No	Description	Pages
	None to date	

List of unused materials

None

41.1
Department of Resources
Received
10 JUN 2009

The Monitoring Officer,
Wiltshire Council,
Trowbridge,
Wiltts
BA14 8JN

Cllr D K Sherlock

05 June 2009

OFFICIAL NOTIFICATION LETTER OF A CO-OPTED COUNCIL MEMBER BRINGING THE COUNCIL INTO DISREPUTE

Please accept this letter as notice against Cllr Paul Evans for bringing the Tidworth council into disrepute at the meeting held at Tidworth on the 2nd of June 2009.

Cllr Evans did not show due courtesy at the meeting and complete disregard to the Chairman and other members of the council who were trying to bring his ranting to an end. His outburst and verbal tirade were offensive and inflammatory towards all council members.

He conducted himself rather like an oaf than that expected of a councillor at a public meeting.

After the meeting was suspended he made accusations against myself and Cllr Wildman, in front of the Media was bordering on derogatory, demeaning. This second outburst was coloured with expletives, again not the conduct of a public figure.

The above incident was reported in the Andover advertiser.

Further to the above on a personal note he was abusive about my thirty six years serving in her Majesty's Forces, something I am not prepared to ignore.

I wish appropriate action to be taken against the above councillor.

Yours Faithfully,



D K Sherlock
Vice Chairman Tidworth Council

A1.2

10 June 2009

Mr D K Sherlock
PRIVATE AND CONFIDENTIAL
c/o Tidworth Council
213 Andover Road
Ludgershall
SP11 9NG

Department of Resources,
Bythesea Road,
Trowbridge,
Wiltshire
BA14 8JN

Your ref:
Our ref: NW/

Dear Councillor Sherlock

Re: Complaint about another member of the council

Thank you for your letter of 5th June 2009, in which you state that you wish to make a complaint about another member of the council.

I would be grateful if you would provide me with your home address for correspondence, since complaints brought under the Code of Conduct for members must, by law, be completed in complete confidence. It is not, therefore, appropriate for me to correspond with you using the Tidworth Council address.

As it stands, your complaint is not sufficiently specific for me to determine whether it can be considered by Wiltshire Council's Standards Committee as a potential breach of the Code of Conduct for members.

I enclose a copy of the form that we post on our web-site which gives information about the kind of information required before we can consider a complaint. In particular, you need to state exactly what you allege the member said or did – instead of saying that their behaviour was offensive and inflammatory, you need to say what words were used. If you consider that they did not show courtesy, you need would need to be very specific about what actions, words or behaviour made you reach that conclusion. Similarly, if accusations were made about you and someone else that you found to be demeaning, you would need to state what those accusations were, and what expletives were used.

If the matter was reported in the press, it would be helpful to have a copy of the press article, and any other background material that you consider may be of relevance to your complaint.

Finally, you have not, at this stage, stated which paragraph(s) of the Code of Conduct may have been breached. It is not within my remit to decide that on your behalf. The Standards Committee will require you to be specific on this point. I enclose a copy of the

Model Code of Conduct which is likely to be very similar to that adopted by Tidworth Council. However, I would recommend that, as a Tidworth councillor who has, I assume, some familiarity with the Code adopted by your council, you refer to the Code that Tidworth adopted if you have access to a copy. Please use the Code to identify which paragraph(s) you think may have been breached.

I look forward to receiving further details about your complaint, after which I will be able to progress it.

Yours sincerely

Nina Wilton
Head of Governance

Direct Line: 012225 713078

Fax Number: 012225 718399

Email: nina.wilton@wiltshire.gov.uk



Wiltshire
COUNTY COUNCIL

Complaint Form – Members’ Code of Conduct

Your details

1. Please provide us with your name and contact details

Title	Cllr D K Sherlock
First name	David
Last name	Sherlock
Address	
Daytime telephone	
Evening telephone	
Mobile	
e-mail address	

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	Yes
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
Paul	Evans	Tidworth Council member (Co-Opted)

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.

Please write down the details of your complaint here. Continue on a separate sheet if there is not enough space on this form.

At the Tidworth Council meeting held on Tuesday the 2nd of June Councillor Paul Evans proceeded to abuse the whole council accusing them of "being a waste of time and a shambles". He was asked to stop his tirade against the council and refused, continuing to ramble more loudly. Finally the chairman Cllr Steve Dagger had to suspend the meeting.

During the tirade he brought the whole council into disrepute and Lt Col Carmen representing the Garrison left the meeting during the proceeding as a result of Cllr Evans.

Minutes later whilst I was getting refreshment Cllr Paul Evans then set about verbally abusing Cllr David Wildman in front of the Andover Press, accusing him of only attending meetings when he wished to vote monies" for his own causes" and stating he was only on the council to promote his own commercial interests, these comments were then extended to myself and he questioned "what I had done for the council"? Then he ranted again stating that I'd never worked in my life having been employed in the Military for 36 years. This outburst culminated in him telling me to "PISS OFF!"

He continued remonstrating and his expletives I cannot recall but they got more abusive and as a result he was cautioned by Cllr Bill Lomas an ex Policeman, who said if he did not stop there and then he would make a civil arrest under section 5 of the public order offence.

All this was overheard by most members of the council and the Andover press.

Details of the suspension of the council and reasons for, were printed by the Andover Advertiser on the Friday June the 5th.

All the above mentioned personnel in my report will confirm details.

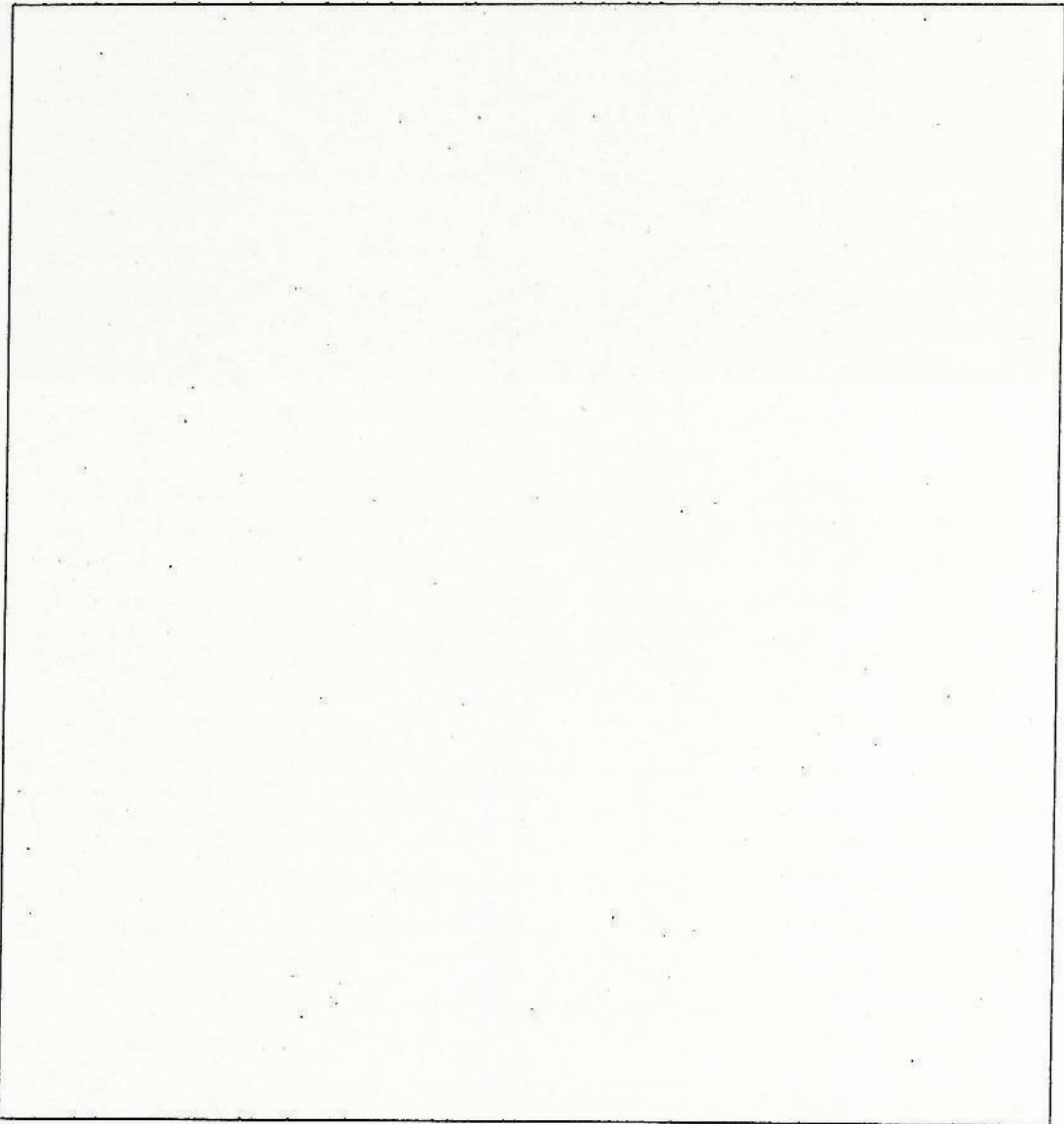
I believe he has broken section 3 (1) of the code of conduct, together with Section 5 Bringing his office and the authority into disrepute.

Also:

Members code of conduct

He has shown little respect for others.

Councillor D Sherlock Tidworth Council Vice Chairman



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:

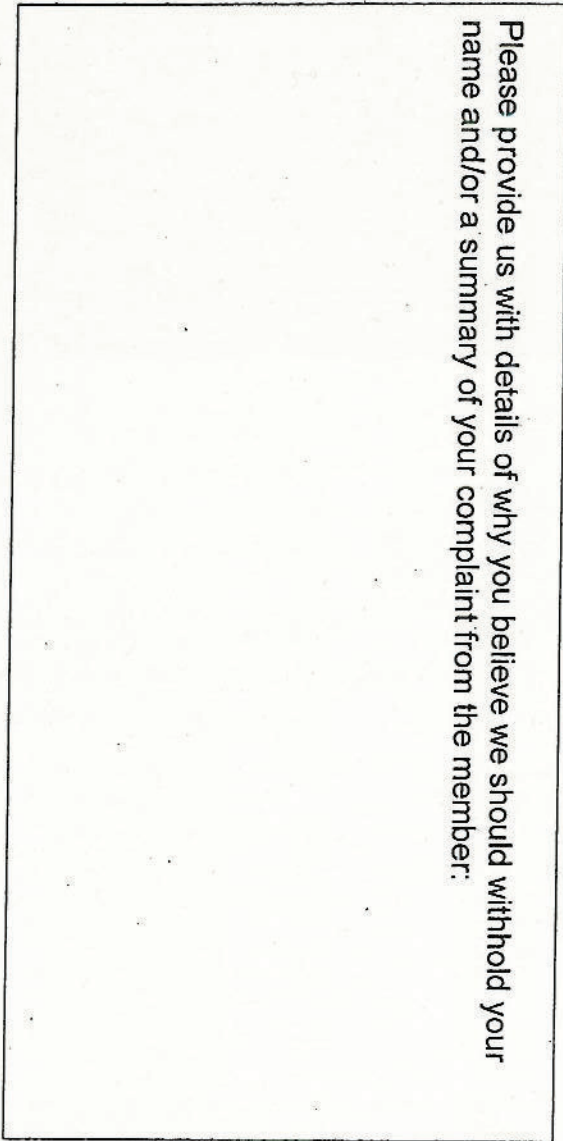
- You or your witnesses being unlawfully bullied or intimidated or;
- The destruction of information or evidence that would seriously hamper an investigation into the complaint.

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.

A1.4

CODE OF CONDUCT

ORDER 2007

With effect from 3rd May 2007

TIDWORTH TOWN COUNCIL

**Resolution passed at 5th June 2007 Town
Council Meeting to adopt new Code of
Conduct including paragraph 12(2)**

SCHEDULE

THE MODEL CODE OF CONDUCT

Part I

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(a).
- (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) the executive of the authority;
 - (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;“member” includes a co-opted member and an appointed member.

(5) In relation to a parish council, 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) See the Relevant Authorities (General Principles) Order 2001 (S.I. 2001/1401).

- (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.

(3) In relation to police authorities and the Metropolitan Police Authority, for the purposes of sub-paragraph (2)(d) those who work for, or on behalf of, an authority are deemed to include a police officer.

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;
- (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986(a).

7.—(1) When reaching decisions on any matter you must have regard to any relevant advice provided to you by—

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties.

(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

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;
 - (ii) (in the case of the Greater London Authority) other council tax payers, ratepayers or inhabitants of the Assembly constituency affected by the decision; or
 - (iii) (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 (7), 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.
- (6) Subject to paragraph 12(1)(b), where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must ensure that any written statement of that decision records the existence and nature of that interest.
- (7) In this paragraph, "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000(a).

(a) See the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations (S.I. 2000/3272).

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) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - (ii) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - (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.

Prejudicial interests arising in relation to overview and scrutiny committees

11. You also have a prejudicial interest in any business before an overview and scrutiny committee of your authority (or of a sub-committee of such a committee) where—

- (a) that business relates to a decision made (whether implemented or not) or action taken by your authority's executive or another of your authority's committees, sub-committees, joint committees or joint sub-committees; and
- (b) at the time the decision was made or action was taken, you were a member of the executive, committee, sub-committee, joint committee or joint sub-committee mentioned in paragraph (a) and you were present when that decision was made or action was taken.

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;
 - (b) you must not exercise executive functions in relation to that business; and
 - (c) 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 (including a meeting of the overview and scrutiny committee of your authority or of a sub-committee of such a committee) 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.

DECLARATION OF ACCEPTANCE OF OFFICE

I PAUL EDWARDS (1) having been elected to the office of MEMBER (2) of TIDWORTH TOWN 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 TIDWORTH TOWN COUNCIL (4).

Signed Paul Edwards Date 15th May 2007.

This declaration was made and signed before me,

Signed J. D. White

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"

REGISTER OF MEMBERS' INTERESTS
GENERAL NOTICE OF REGISTRABLE INTERESTS

I, (NAME) Paul Evans COUNCIL
a member of TIDWORTH TOWN
give notice that:

EITHER

I have no registrable 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.

OR

I have set out below under the appropriate headings my interests which I am required to declare under the Council's Code of Conduct, and I have put 'none' where I have no such interests under any heading.

(This form gives general guidance, and examples, but these are not comprehensive. The Council's Code of Conduct gives precise requirements. Continuation sheets should be used where necessary. Please remember include your name and the paragraph number.)

Employment, business, profession or vocation

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

SHOP KEEPER

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

COACHING, PH

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.

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.

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.

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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.

.....
53 GASON HILL ROAD TIDWORTH SP9 7NH
.....

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.

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.....

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.

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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.

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.....

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;

.....
.....

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

.....
.....

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

.....
.....

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

.....
.....

(e) trade union or professional association.

.....
.....

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 Kennet District 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 the Standards Board for England.

Signed: *Paulis*
Date: *15th May 2007*

RECEIVED
Signed:
Monitoring Officer

A2.1

1. Record of interview conducted by Marie Lindsay with the complainant Councillor David Sherlock.
2. Councillor Sherlock confirmed that he was elected as a Councillor to Tidworth Town Council in May 2007. Councillor Evans, the subject member, was elected to the Council on the same date.
3. The alleged incident occurred at a meeting of Tidworth Town Council on 2 June 2009. This was a public meeting and was attended by one member of the public, Mr F Galvin and a representative of the Andover Advertiser Mr S. Dancey.
4. At the previous meeting of Tidworth Town Council on 5 May 2009 the election of the chairman and vice-chairman had taken place. Due to a void ballot paper questions had been raised after the meeting about whether the correct procedure had been followed. Advice was subsequently sought from the Wiltshire Association of Local Councils (WALC) who confirmed that 'the best course of action had been taken in the circumstances'.
5. The agenda for the meeting on 2 June 2009 included matters arising from the minutes of the meeting on 5 May. The Chairman, Councillor Dagger, invited members of the Council to speak on the item. It was clear to all present at the meeting that those persons who then requested permission to speak were doing so in their capacity as a Councillor.
6. Several Councillors spoke on the issue including Councillor Evans, Councillor Franklin and Councillor A Connolly. A heated discussion followed about whether the correct procedure had been followed and in Councillor Sherlock's view Councillor Evans stepped over the line between a lively debate and displaying aggressive and abusive behaviour.
7. Councillor Sherlock advises that Councillor Evans accused the Council of being 'a waste of time and a shambles' and continued with what he would describe as a tirade of abuse. The Chairman advised Councillor Evans that the matter had been resolved and that was the end of the matter however Councillor Evans would not let the matter drop. Both the Chairman and Councillor Jones asked Councillor Evans to stop the tirade but he refused and continued in the same aggressive manner. Councillor Sherlock cannot recall Councillor Evans' specific comments.
8. Councillor Sherlock confirms that all present at the meeting would have heard Councillor Evans' abusive comments.
9. Councillor Sherlock advises that by this time the meeting was, in his view, out of control. Lt Col R Carmen, who was attending as a representative of Garrison HQ, stood up and announced that this was not what he was at the meeting for and left. Councillor Hewitt also left the meeting as a direct

result of the situation that had arisen from the behaviour of Councillor Evans.

10. The Chairman then called for the meeting to be suspended for 10 minutes.

11. Councillor Sherlock advises that during the suspension he went over to the serving hatch at one end of the room to get some refreshment. Councillor Evans was also at the serving hatch and Councillor Sherlock told him 'I think your behaviour was disgusting'. Councillor Evans retaliated on a personal level by referring to Councillor Sherlock's military career, referring to it as being a waste of time. He also accused him of being 'cosseted' in the army and that as a result he did not know anything.

12. Councillor Sherlock does not recall exactly how he responded to these comments but suggests that he most likely repeated that he considered Councillor Evans' behaviour to have been disgusting. Councillor Evans was 'rambling' and the exchange culminated in Councillor Evans telling Councillor Sherlock to 'Piss Off'.

13. Councillor Sherlock states that during this exchange Councillor Evans also made allegations about Councillor Wildman only being on the Council to promote his own financial interests.

14. The exchange at the serving hatch was witnessed by Councillor Wildman, Councillor Lomas, Councillor Buffrey, Councillor Birch, Councillor A Connolly and the Andover Press. During the exchange Councillor Lomas intervened and threatened to make a citizens arrest on Councillor Evans if he did not stop his behaviour.

15. The meeting was reconvened after the 10 minute suspension. This was to allow two urgent items to be considered. Councillor Wildman cannot recall for certain whether Councillor Lomas returned to the meeting.

8th September 2009

This is a note of the interview conducted by Mrs Marie Lindsay with Councillor David Sherlock, who was unaccompanied, at his business address at 5pm on Tuesday 8th September 2009.

I confirm that I have reviewed this record and made and initialled any alterations I think are necessary and identified any errors I believe are in the record. Subject to any initialled amendments I confirm that this represents a true record of the interview.

Signed.....

Dated.....

A2.2

1. Record of interview conducted by Marie Lindsay with Councillor S Dagger Chairman of Tidworth Town Council.
2. Councillor Dagger confirmed that he has been chairman of Tidworth Town Council for the last six years. He also served on the Town Council for some time prior to this before having a break and returning as Chairman.
3. Councillor Dagger explained that the Tidworth Town Council elections for Chairman and Vice Chairman were held at the Council meeting on 5th May 2009. There were two candidates, himself and Councillor C Franklin, and a secret ballot was held. Whilst the Clerk was collecting the last two votes she was handed one open ballot paper and noticed that it had been completed incorrectly. The ballot paper had been marked with the councillor's own name rather than one of the two candidates. The Clerk then explained the procedure, wrote the names of the candidates on her own notepad and the councillor completed a ballot paper correctly. A total of 14 votes were cast, seven for each candidate. When a vote is tied it is the outgoing Chairman who has the casting vote and Councillor Dagger was re-elected as Chairman.
4. Immediately after the meeting had closed discussions arose about the way the vote had been handled and a challenge was made to the procedure that had been followed. As a result, Councillor Dagger wrote to the Wiltshire Association of Local Councils requesting advice. No representations about the election procedure were raised prior to the close of the meeting.
5. Councillor Franklin made a request for the matter be put on the agenda for the next meeting on 2nd June. Councillor Dagger declined because advice was still awaited from WALC but advised that comments could be made during matters arising from the minutes of the previous meeting.
6. At the meeting on 2nd June Councillor Franklin raised the issue of the void ballot paper. Councillor Dagger confirmed that he had received a response from WALC and that their view was that 'the best course of action had been taken under the circumstances'.
7. Councillor Dagger advises that Councillor Evans then spoke on the matter and that he was very vocal and spoke with a raised voice. In Councillor Dagger's view Councillor Evans became out of control and approaching what he would describe as ranting and raving. He accused the Council of not knowing what they were doing. Councillor Dagger made numerous requests for Councillor Evans to behave in a reasonable manner however he carried on in the same way. As a result, Councillor Dagger took the decision to suspend the meeting for 10 minutes.
8. At this point Lt Col Carmen stood up and said something along the lines of 'this looks like an internal war and I want no part of it' and left the

meeting. Councillor Hewitt also made a comment about not wanting to hear any more and left the meeting.

9. It was clear to Councillor Dagger looking around the room that quite a few Councillors were upset and angry over the incident. Councillor Dagger confirms that Councillor Evans' comments would have been heard by everyone in the room including one member of the public, Mr Galvin, and the representative of the Andover Advertiser, Mr Dancey. Councillor Dagger is confident that it was clear by the way the room was set out that Councillor Evans was speaking as a member of the Council. The Councillors and the army representative were seated at a round table with the press and public seated behind them.

10. Councillor Dagger states that during the 10 minute suspension Councillor Evans was still verbally quite aggressive and he again asked him to calm down.

11. Councillor Dagger is aware of an incident occurring between Councillor Evans and Councillor Sherlock at the serving hatch during the break. However, as he was still seated at the meeting table he does not know how the argument started. He did hear Councillor Lomas threatening to conduct a citizens arrest.

12. The meeting was reconvened and Councillor Evans returned to the table. Councillor Connolly tabled a motion that the meeting should be suspended and the decision was unanimous. In Councillor Dagger's view the unanimous decision is a telling reflection of the feeling in the room at the time.

13. Councillor Dagger confirms that during his time as a Councillor this is the first time that he has witnessed behaviour such as that displayed by Councillor Evans.

14. Since 2nd June there have been two further meetings of Tidworth Town Council, both of which were without incident.

10th September 2009

This is a note of the interview conducted by Mrs Marie Lindsay with Councillor S Dagger, who was unaccompanied, at his home address at 10am on Thursday 10th September 2009.

I confirm that I have reviewed this record and made and initialled any alterations I think are necessary and identified any errors I believe are in the record. Subject to any initialled amendments I confirm that this represents a true record of the interview.

Signed.....

Dated.....

A2.3

Lindsay, Marie

From
Sent: 17 September 2009 20:31
To: Lindsay, Marie
Subject: RE: Code of Conduct Complaint

Marie,
I can confirm that the record of our interview is true and correct.
Yours
Steve Dagger

From: Lindsay, Marie [mailto:Marie.Lindsay@wiltshire.gov.uk]
Sent: 17 September 2009 17:13
To
Subject: Code of Conduct Complaint

Dear Councillor Dagger

Thank you for your telephone message confirming that you are happy with the record of interview that I recently sent to you.

Please could you sign and date one copy and return it to me or, alternatively, confirm by email that you accept the record of our Interview as being true and correct.

Kind regards
Marie

Marie Lindsay
Ethical Governance Officer
Wiltshire Council
Bythessa Road
Trowbridge
Wiltshire BA14 8JN

Tel: 01225 718465
Fax: 01225 718399

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Receipt of this e-mail does not imply consent to use or provide this e-mail address to any third party for any purpose. Wiltshire Council will not request the disclosure of personal financial information

1. Record of interview conducted by Marie Lindsay with Councillor W Lomas of Tidworth Town Council.
2. Councillor Lomas confirmed that he has been a member of Tidworth Town Council since May 2009. Prior to being elected as a Councillor he attended many Tidworth Town Council meetings as a Police beat officer and is fully aware of how meetings are run and conducted.
3. Councillor Lomas explained that at the meeting of Tidworth Town Council on 5th May 2009 the elections for Chairman and Vice Chairman were held. The two candidates standing for Chairman were Councillor Dagger and Councillor Franklin and the vote was conducted by secret ballot. Councillor Halfon spoilt her ballot paper by writing her own name on it. The Clerk returned it to her and she then submitted a new ballot paper. The result was a tie in votes between the two candidates. Councillor Dagger, as the outgoing Chairman, had the deciding vote and he was re-elected.
4. After the meeting had closed a number of Councillors raised the question of whether the correct voting procedures had been followed. Those expressing dissatisfaction were Councillor Franklin (the unsuccessful candidate), Councillor A Connolly, Councillor Evans, Councillor Lomas and his ~~wife~~ Councillor M. ~~Lomas~~. During the course of the month Councillor Franklin made it clear that he intended to challenge the vote. *Wambold*
5. On 2nd June 2009 Councillor Lomas arrived slightly late for the meeting. He was seated next to Cllr Sherlock and two seats away from the Chairman. *MR PARNELL*
6. Councillor Lomas advises that Councillor Franklin raised the issue of the voting procedures during the item on the minutes of the last meeting. He was clearly putting his point and reading from pre-set questions. He was sitting next to Councillor Carmichael and opposite Councillor Evans.
7. Councillor Lomas goes onto say that Councillor Evans kept interjecting. He appeared to be wound up by comments made by Councillor Carmichael and was huffing and puffing in response to what Councillor Carmichael was saying. Suddenly, Councillor Evans became rather loud saying that he was disgusted and ashamed by the manner in which the vote had been held and that it was a breach of procedure and dealt with a slapdash manner. He continued to get louder and louder until he had completely taken over from Councillor Franklin.
8. Councillor Lomas states that Cllr Dagger tried unsuccessfully to get Mr Evans to calm down. Councillor Carmichael also told him to be quiet and advised him that he was 'out of order'. A point of order was brought by Councillor Jones and in Councillor Lomas' view the meeting had become untenable. At that moment Lt Col Carmen said 'this is a political minefield,

I wish you people the best of luck' and left the meeting. Councillor Hewitt also left the meeting. The Chairman then called a 10 minute recess.

9. Councillor Lomas continues that Councillor Evans was still vociferous during the adjournment whilst they were still seated around the table. At this point Councillor Sherlock then joined in and told Councillor Evans to be quiet. A heated discussion followed and Councillor Evans accused Councillor Sherlock of being on the Council for his own personal gain. Councillor Lomas is aware of Councillor Wildman, Chairman of the Chamber of Commerce, being present at the time, ^{AND SITTING TO HIS RIGHT}

10. Councillor Evans then went over to the kitchen. Councillor Sherlock was standing in the hall at the serving hatch when Councillor Lomas heard Cllr Evans say 'you're only in the f...ing council for your own f...ing ends'. He cannot confirm exactly to whom Councillor Evans was directing his comments although it could not have been Councillor Wildman as he was sitting next to him at the table at the time. He can confirm that he heard Councillor Evans use the word 'Piss', aimed at Councillor Sherlock, although he did not hear any more of the exchange.

11. Upon hearing these words Councillor Lomas left his seat at the table and went over to the serving hatch. He confronted Councillor Evans and warned him that he was in danger of committing a public order offence. He further warned him that if he continued using profanities and bad language he would arrest him under Section 5 of the Public ~~Offence~~ Act. He ordered Councillor Evans to 'shut up or leave' and at that point Councillor Evans left the hall.

12. Councillor Lomas returned to his seat at the table and one or two Councillors thanked him for his action. The Chairman then reconvened the meeting but it was clear that the situation was untenable it was agreed to cancel the meeting after the consideration of two urgent items. Councillor Evans had returned to the meeting but he was now quiet.

13. Councillor Lomas considers Councillor Evans' behaviour to have been unacceptable and his view is that everyone was upset by the events. It was the cause of Lt Col Carmen and Councillor Evans leaving the meeting. Councillor Lomas considers that Councillor Evans may have believed that he was supporting Councillor Franklin in his representations but his support was not needed.

14. There have since been two meetings of Tidworth Town Council and both have passed without incident.

10th September 2009

This is a note of the interview conducted by Mrs Marie Lindsay with Councillor W Lomas, who was unaccompanied, at his home address at 10.45am on Thursday 10th September 2009.

DRAFT

I confirm that I have reviewed this record and made and initialled any alterations I think are necessary and identified any errors I believe are in the record. Subject to any initialled amendments I confirm that this represents a true record of the interview.

Signed.....*M. A. Smith*
Dated...28/9/09.....

1. Record of interview conducted by Marie Lindsay with Councillor D Wildman of Tidworth Town Council.
2. Councillor Wildman provided a separate written summary of events, which includes details of his current posts within the community, and these interview notes are to be read in conjunction with the summary provided by Councillor Wildman.
3. Councillor Wildman confirmed that he has been a member of Tidworth Town Council for 10 years. He was not present at the meeting of Tidworth Town Council on 5th May when the elections took place.
4. On arriving at the Tidworth Council meeting on 2nd June Councillor Wildman met Councillor Evans on the ramp outside. Councillor Wildman states that Councillor Evans' exact words to him prior to going into the meeting were 'tonight would be interesting we shall see who has balls at this place, who is prepared to stand up and be counted'. Councillor Wildman's view is that it is clear from the moment that he met Councillor Evans outside that he was 'spoiling for a fight'.
5. Councillor Wildman states that when the minutes of the previous meeting were being discussed Councillor Evans kept interjecting and jumping up from his chair. He completely disregarded numerous requests from the Chairman and other members of the Council to sit down. He accused the Council of being 'a waste of time and a shambles' and in Cllr Wildman's opinion Councillor Evans' behaviour was disruptive and demeaning to the whole Council. He paid no regard to and refused to accept the Chairman's explanation that due process had been followed in respect of the voting procedures. This explanation was accepted by other members of the Council, including Councillor Franklin who had been the other candidate. Of particular concern to Councillor Wildman is the fact that a senior military personnel was present and that a lot of work had previously been undertaken to enhance relations with the military. Councillor Evans' comments would have been heard by everyone at the meeting.
6. Councillor Wildman comments that the meeting became a fiasco and the Chairman called for a 10 minute adjournment. As the meeting was coming to a close, and whilst they were still seated at the table, Councillor Evans turned to Councillor Wildman and said 'People like you that are only in it for the expenses and only turn up when you want something'. Councillor Wildman finds this remark particularly offensive as he has never claimed a penny from his work with the community. He is a member of many organisations and has done a lot of hard work to drive things forward for Tidworth and the surrounding area. Councillor Wildman's opinion is that comments like these, made in earshot of the press and the public, will drag the Council back down into the mire and ruin all the hard work that has been done over the years. He believes that Councillors

DRAFT

MARK

Sherlock and Connolly may have overheard Councillor Evans' comments to him.

MARK


7. Councillor Wildman states that during the break he remained seated at the table talking to Councillor Connolly and Councillor Franklin. Councillor Evans and Councillor Sherlock were over by the service hatch. He heard Councillor Evans tell someone to 'Piss Off' although he cannot be sure who the comments were directed at. At that moment Councillor Lomas went over to Councillor Evans and threatened to make a citizens arrest.

8. As far as Councillor Wildman is aware, from that moment Councillor Evans became quiet. The meeting was reconvened and the general mood in the room was that the meeting could not continue in the current circumstances. The meeting was therefore closed following the consideration of two urgent items.

16th September 2009

This is a note of the interview conducted by Mrs Marie Lindsay with Councillor D Wildman, who was unaccompanied, at his home address at 10.00am on Wednesday 16th September 2009.

I confirm that I have reviewed this record and made and initialled any alterations I think are necessary and identified any errors I believe are in the record. Subject to any initialled amendments I confirm that this represents a true record of the interview.

Signed 
Dated... 21... September 2009

Notes For Marie Lindsay Meeting

Cllr. Paul Evans

- On arrival at the TTC meeting I greeted PE on the ramp at the entrance and was told that "tonight would be interesting we shall see who has balls at this place, who is prepared to stand up and be counted" he went on to vent his displeasure about the last meeting of the TTC.
- During the meeting he was highly disruptive accusing the council of being "a waste of time and a shambles." He continued being disruptive was asked to stop several times by the Chairman, who he completely ignored. His outbursts were to say the least abusive to several members and in general brought the council into disrepute and I was ashamed especially as we had a senior member of the military attending and eventually the Chairman had to suspend the meeting.
- He was verbally abuse towards me several times during the meeting but what was most offensive of all was his comment "People like you that are only in it for the expenses and only turn up when you want something." (This accusation I found very offensive as I do not claim any expenses from any organisation I belong too and I put a vast amount of voluntary work into our local area to support it especially in time, at no cost.)
- He continued ranting being abusive and disruptive during the break, in fact he swore at another Councillor and it wasn't until Cllr Lomas, who is an ex-Policeman, threatened to make a civil arrest under some public law order that he finally shut up.
- In my ten years of a representative of Tidworth Council I have never experienced such bad behaviour which brings the Council into disrepute in front of the press, public and military guest, who thought it appropriate to leave when the meeting was suspended.
- This was the action of one Cllr who was determined, in my opinion, to be disruptive and bring the council into disrepute.

My current posts:

- ‡ Tidworth Town Councillor - (10yrs)
- ‡ Tidworth Chamber of Commerce – (Chairman & Founding member, 6 yrs)
- ‡ Tidworth Community Area Partnership (TCAP) (Vice Chairman, 3yrs)
- ‡ Tidworth Community Area Board (Invited member)
- ‡ TCAP- Housing & Built Environment – (Chairman, 8yrs)
- ‡ TCAP – Economic Group (V/Chairman, 8yrs)
- ‡ South Wiltshire Economic Partnership (Board member just joined under Unitary)
- ‡ Castledown Business Centre (Chairman Strategy Board, 2yrs)
- ‡ Tidworth Area Awareness Project (Chairman 2yrs)
- ‡ Past Chairman and founding member of the Kennet Economic Partnership
- ‡ Past Director of the Tidworth Trust (Resigned 2yrs ago, 14yrs)

A2.7

28 September 2009

PRIVATE & CONFIDENTIAL
Councillor Paul Evans

Department of Resources,
Bythessa Road,
Trowbridge,
Wiltshire
BA14 8JN

Your ref:
Our ref: ML/MC24/09

Dear Councillor Evans

Ref: Code of Conduct Complaint

I write further to my letters of 4th August and 13th August and the allegation that you have or may have failed to comply with your authority's Code of Conduct.

I advised you that I hope to complete the investigation by mid October and asked if you could let me have details of any periods of time that you would be unavailable. You have not advised me of any dates that you are unavailable and I would like to arrange a time to interview you with regard to the allegation.

Please could you contact me so that we can discuss interview arrangements. I can be contacted directly on 01225 718465 or by e-mailing marie.lindsay@wiltshire.gov.uk.

Yours sincerely

Marie Lindsay
Ethical Governance Officer

Direct Line: 01225 718465
Fax Number: 01225 718399
Email: marie.lindsay@wiltshire.gov.uk



A2.8

6 October 2009

BR 2564 0209 1GB

PRIVATE & CONFIDENTIAL
Councillor Paul Evans

Department of Resources,
Bythesea Road,
Trowbridge,
Wiltshire
BA14 8JN

Also sent 1st class

Your ref:

Our ref: ML/WC24/09

BY RECORDED DELIVERY

Dear Councillor Evans

Ref: Code of Conduct Complaint

I refer to my letters dated 4th August, 13th August and 28th September 2009 concerning the allegation that you have or may have failed to comply with your authority's Code of Conduct.

To date I have not received any correspondence from you concerning the complaint and you have not provided me with any dates that you would be unavailable to attend an interview.

I have now spoken to the other parties involved in the complaint and I am almost ready to conclude my investigation, however I do need to obtain your views on the allegation made. The most satisfactory way of doing this would be by way of a face to face interview however if you would find this difficult I would be prepared to accept a written statement from you. As you aware, the allegation centres around the meeting of Tidworth Town Council on 2 June 2009 and the broad issues that I would like to address with you, through an interview or a written statement, are as follows:

- What prompted the heated discussion referred to in the minutes of the meeting and to which you are alleged to have contributed in such a manner as to bring your office or authority into disrepute and failed to treat others with respect?
- What was said by you at the meeting that has given rise to the allegations made?
- In what context were your comments made?
- Are there any witnesses to the event?
- What was the effect of your alleged behaviour on the meeting and those present?

Please could you provide me with a possible date for interview or a written statement by no later than Monday 12th October 2009. If I have not heard from you by this date I will have no alternative but to issue a draft report based on the evidence that I have gathered to date.

I can be contacted directly on telephone number 01225 718465 or by e-mailing marie.lindsay@wiltshire.gov.uk.

Yours sincerely

Marie Lindsay
Ethical Governance Officer

Direct Line: 01225 718465
Fax Number: 01225 718399
Email: marie.lindsay@wiltshire.gov.uk

A2.9

TELEPHONE/ATTENDANCE NOTE

File: Cllr Evans Bel 24/09 Date 22/10/09

Call From: Cllr Paul Evans

Call To: Maive Lindsay

Cllr Evans called to say that he has received my letters and apologies for not getting back to me but he has been away.

He is now available for an interview with regard to the complaint.

Appointment made for Thursday 5th November at 10.30 am.

I advised him that I would be attending with my colleague Roger Whiteley.

M Lindsay



1. Record of interview conducted by Marie Lindsay with Councillor P Evans of Tidworth Town Council.
2. Councillor Evans confirmed that he has been a member of Tidworth Town Council for approximately 2 years and he has previously served on the Heritage and Strategy Committees.
3. Councillor Evans was present at the Tidworth Town Council meeting on 5th May 2009 when the elections for Chairman and Vice-Chairman took place. He explained that the election was held by secret vote and that one councillor spoilt her ballot paper. The Clerk was aware of the spoilt ballot paper and gave it back to the councillor in question. She then wrote down the names of the two candidates on a separate piece of paper and guided the councillor who had spoilt her paper on how to vote. The votes were then counted and the result was a tie. The outgoing Chairman, Councillor Dagger, then had a second vote and was elected as Chairman.
4. Councillor Evans explained that he believes that openness, fairness, honesty and transparency is paramount in elections and he was very unhappy with the way the vote had been handled. He does not believe that the spoilt ballot paper should have been handed back and guidance given about completing it again. Neither does he believe that it is right for the outgoing Chairman to effectively have two votes.
5. Councillor Evans explained that a number of councillors were unhappy with the way the election had been handled however concern was not raised until after the meeting on 5th May had closed. A number of discussions took place between the meeting on 5th May and the next meeting on 2nd June and a lot of dissent was expressed. Councillor Evans himself had a conversation with the Chairman, Councillor Dagger, who told him that if it was decided that a new vote was required then he would be happy to stand again.
6. Councillor Evans was dissatisfied that a separate item about the election was not added to the agenda for the meeting on 2nd June. He states that Councillor Franklin raised the issue under matters arising from the previous minutes and that Councillor Connolly also raised a couple of small points about the process. Councillor Evans himself joined in the debate as he wished to express his view that the vote was wrong and the void ballot paper should have been discarded and not counted. He made it clear that he wanted the minutes of the last meeting to say that the election had been a 'farce'. He recalls that he may well have said that the Council was a waste of time and a shambles as alleged in the complaint. He acknowledges that 'he did push things to its limit' and that his behaviour was 'quite forceful' and 'fiery'.
7. Councillor Evans goes on to say that the Chairman did ask him to be quiet to which he replied 'don't try to shut me up'. He states that the Chairman also asked Councillor Franklin to shut up.

8. Councillor Evans was annoyed that the Chairman had sought advice about the election outside of a formal meeting and had not consulted with any other members of the Council prior to seeking this advice. Councillor Evans had not seen the letter addressed to the Wiltshire Association of Local Councils or the response received. He was concerned that the position stated by the Chairman was one sided and did not necessarily reflect the views of all members of the Council.
9. Councillor Evans states that he was also concerned that members of the Council were being 'walked over' as a result of the Chairman trying to prevent the issue from being discussed.
10. Councillor Evans recalls that it was Councillor Connolly who suggested a short adjournment in order, he believes, 'to save my embarrassment'. He confirms that Lt Col Carmen left the meeting, probably as a result of the altercation that had taken place. Councillor Evans' view is that the altercation and discussions would not have come as a shock to any member of the Council as there had been a lot of dissent expressed prior to the meeting. Lt Col Carmen, however, would not have been expecting such an altercation to take place and it was not what he was at the meeting for.
11. Prior to the meeting being suspended Councillor Evans confirms that he spoke directly to Councillor Wildman, telling him that he hardly ever attended council meetings, that he only turned up 2 or 3 times per year and that he wasn't at the meeting on 5th June when the elections took place. Councillor Evans says that he is not disputing that Councillor Wildman does good work for Tidworth but he was making a point that Councillor Wildman hardly ever attends Council meetings.
12. During the adjournment Councillor Evans went over to the kitchen and was standing at the serving hatch with Councillor Miles. Councillor Evans states that Councillor Sherlock came over and stood at the other side of the hatch in the main hall. He goes on to say that Councillor Sherlock said to him 'What the f**k have you ever done for Tidworth. As for your Tidworth Rocc festival you're only there for yourself. An exchange then occurred during which Councillor Evans told Councillor Sherlock 'What do you know, you have only been here for a couple of months. You've no idea what I've done, piss off and sling your hook'. Councillor Evans confirms that he was livid at the time having been sworn at by Councillor Sherlock and accused of not having done anything for Tidworth.
13. Councillor Evans understands that Councillor Lomas heard raised voices and the end of the exchange with Councillor Sherlock when Councillor Evans told him to 'Piss Off'. This is what prompted the threat of citizen's arrest by Councillor Lomas. Councillor Evans states that Councillor Miles was a witness to the whole exchange between himself and Councillor Sherlock and would have heard Councillor Sherlock swearing at him.

DRAFT

14. Councillor Evans confirms that after the 10 minute adjournment he took his place again at the table and the meeting resumed.
15. Councillor Evans states that he does a lot of work for the benefit of Tidworth including the staging and promotion of the annual Tidworth Rock festival. He also produces the Tidworth Council magazine with very little support from other members of the Council. His only interest in Council matters is for the benefit of the people of Tidworth and on 2nd June he was unhappy that the agenda was driven by events that had occurred outside formal meetings. He wanted things to be done the right way, in an open and transparent manner.
16. Councillor Evans refers to the minutes of the meeting on 5th May which were subsequently amended to remove the reference to the threat of citizen's arrest. He considers that the reference in the minutes to Councillor Evans 'causing embarrassment to the Council' should also have been removed. He says that embarrassment is a personal issue and not necessarily one shared by the whole council. A vote was taken as to whether to remove this line from the minutes and only 7 members of the Council raised their hands to indicate that they felt embarrassed by the incident. The minutes were not amended.
17. Councillor Evans confirmed that the report of the meeting in the Andover Advertiser on 5th June is correct. In his view the coverage of the meeting was good news as it brought a much needed shake up in the Council and as a result members have begun to 'watch what they are saying'.
18. Councillor Evans confirms that he does have difficulty receiving his post and that some letters do go astray as there is another number 53 just around the corner on the next road.

9th November 2009

This is a note of the interview conducted by Mrs Marie Lindsay with Councillor P Evans at his home address at 10.30am on Thursday 5th November 2009. Councillor Evans was unaccompanied. Mrs Lindsay was accompanied by Mr Roger Wiltshire, Ethical Governance Officer.

I confirm that I have reviewed this record and made and initialled any alterations I think are necessary and identified any errors I believe are in the record. Subject to any initialled amendments I confirm that this represents a true record of the interview.

Signed.....
Dated.....

[Signature]
13th November 2009

A2.11

TELEPHONE/ATTENDANCE NOTE

File: WC 24/09 Cllr Evans Date 5/11/09

Call From: _____

Call To: _____

At the end of Maria Lindsey's interview with Cllr Evans, Cllr Evans said that, in his view, Cllr Connolly, Miles and Franklin would be able to give a balanced view of events.

Under the circumstances I have decided to interview the following Councillors for the reasons stated below:

- Cllr Miles apparently witnessed the alleged assault by Cllr Sherlock to Cllr Evans.

- Cllr A Connolly. His name has cropped up during the investigation as being someone who spoke about the issue of the audit vote. Also, he is named by Cllr Sherlock as a possible witness to the exchange at the evening hatch. His statement may add a balance to the investigation in the interests of Cllr Evans.

Telephone interviews requested
M. Lindsey



A2.12

1. Record of interview conducted by Marie Lindsay with Councillor A Connolly of Tidworth Town Council.
2. Councillor Connolly confirmed that he was previously Chairman of Tidworth Town Council and was also a member of the former Kennet District Council. He has 18 years experience as a Councillor.
3. Councillor Connolly explained that many members of the Council were stunned by the events that had occurred during the election of the Chairman on 5th May 2009 and the voting procedures that had taken place. There was disbelief amongst members at what had unfolded in front of them and after the meeting a number of discussions took place about the matter. Councillor Connolly's view is that the voting procedures that had been followed were wrong in principle.
4. Councillor Connolly understands that Councillor Evans asked both the Chairman and the Clerk to put the issue of the election on the agenda for the next meeting on 2nd June to allow a discussion to take place. The Clerk promised that it would be on the agenda however when the agenda was produced it was clearly not an agenda item.
5. Councillor Connolly advises that there were a number of councillors who wanted to give their opinion on the election issue. At the meeting on 2nd June 2009 the Chairman was determined not to enter into discussions and a debate ensued, most probably forced under the matters arising agenda item. Councillor Connolly himself joined in to say that in his view the Council had not got it quite right with regard to the election procedures and that they shouldn't be so lax. Councillor Evans was particularly upset as he had specifically requested an agenda item on this issue. The Chairman tried very hard to constrain him and did not allow him a fair crack of the whip. This probably made matters worse because Councillor Evans wanted to make his contribution. A number of other Councillors were 'hot under the collar' including Councillors Wildman, Sherlock, Lomas and Franklin. Councillor Connolly cannot recall the exact words spoken by Councillor Evans.
6. Councillor Connolly's view is that it is important to put Councillor Evans' behaviour into context. Tidworth Town Council members are very nice people who do not like disagreement and cut and thrust meetings. Councillor Evans is a relatively new councillor whom Councillor Connolly would describe as robust and opinionated. Over the years Councillor Connolly has witnessed more acrimonious debates than this at meetings of other town councils, where it is accepted as a right to express an opinion. On this occasion, Councillor Evans' behaviour was unreasonable only in the context of how Tidworth Town Council would normally be run but it would not be considered unreasonable by some other councils. Councillor Connolly does not consider a robust exchange of views to be a bad thing.
7. With regard to Councillor Hewitt and Lt Col Carmen's early departure from the meeting, Councillor Connolly states that Councillor Hewitt is an elderly

lady who would particularly not enjoy a robust meeting. Lt Col Carmen was at the meeting as a stand-in representative of the army and that was the only meeting he had attended. Councillor Connolly would not give any weight to the fact that he left the meeting at that point as he considers that Lt Col Carmen may have grabbed at the opportunity to leave the meeting early.

8. During the 10 minute adjournment that followed Councillor Connolly is aware that Councillor Evans went over to the kitchen area to get a cup of tea. He did not hear the exact words spoken during the exchange between Councillor Evans and Councillor Sherlock but he is aware that there was an aggressive exchange of words between them. He would say that it was a 50:50 battle of words. Councillor Lomas tried to cool things down by threatening to carry out a citizen's arrest but in Councillor Connolly's opinion Councillor Evans was not in danger of breaching the peace.

9. The meeting resumed and Councillor Connolly suggested that the meeting should be suspended. He didn't feel like carrying on under the circumstances and he could see that a few of the more elderly members had been put out by the exchange of words.

10. Councillor Connolly does not agree that the minutes of the meeting should contain the statement '..... heated discussion causing embarrassment to the council'. He says that embarrassment is an emotion and not a matter of fact and as such has no place in council minutes. He was not embarrassed by the events and considers the matter to have been within reasonable bounds. A motion at the following meeting in July to have the reference to 'embarrassment' removed from the minutes was unsuccessful. Councillor Connolly states that the Chairman and the Clerk were entrenched in their opinion that it should stay in the minutes.

11. Councillor Connolly advised that Councillor Evans is not the most popular in the village and that he is aware of an acrimonious personal relationship between Councillor Evans and Councillor Sherlock which he believes spilled over into the meeting.

18th November 2009

This is a note of the interview conducted over the telephone by Mrs Marie Lindsay with Councillor A Connolly at 10.30am on Wednesday 18th November 2009.

I confirm that I have reviewed this record and made and initialled any alterations I think are necessary and identified any errors I believe are in the record. Subject to any initialled amendments I confirm that this represents a true record of the interview.

Signed.....
Dated.....

1. Record of interview conducted by Marie Lindsay with Councillor S Miles of Tidworth Town Council.
2. Councillor Miles confirmed that he has been a member of Tidworth Town Council since 1995 and he was also a member of the former Kennet District Council from 1999 to 2009.
3. Councillor Miles explained that the events surrounding the election of the Chairman at the Tidworth Town Council meeting in May 2009 had caused animosity within the Council. At the 5th May meeting he was proposed by Councillor Evans as Vice-Chairman. However, due to the amount of animosity in the room over the way the election of the Chairman had been conducted, he felt that he would be unable to work on a professional level with the Chairman and he declined to take up the position. He was concerned with how the spoilt vote had been handled and it appeared to him that the councillor who had spoilt her ballot paper was being coached by the Chairman and the Clerk as to how to fill it in. Councillor Miles was unhappy that she had been given a second opportunity to vote, especially as she had been on the Council for many years and had voted on numerous occasions in the past.
4. Councillor Miles advised that the atmosphere at the meeting on 2nd June was tense from the beginning. He cannot remember how the debate about the election of the Chairman started but he says that pretty much everyone had something to say about the matter..
5. Councillor Miles stated that Councillor Evans began his comments by offering constructive criticism about the election but when he was asked to be quiet he got more agitated. He would not shut up and he wanted to get his point across. A heated debate ensued and tempers rose, including those of Cllr Wildman and the Chairman. The Chairman lost control of the meeting and the debate snowballed. Councillor Evans then made a comment to Councillor Wildman saying that he only attends meetings when there is something in it for him. Councillor Miles does not consider that this was a personal attack on Councillor Wildman but Councillor Evans speaking his mind and saying what he thinks.
6. The meeting was adjourned for 10 minutes. Councillor Miles' view is that most of Councillor Evan's outburst occurred during the adjournment. Councillor Miles recalls the 'f' word being uttered by Councillor Evans whilst he was still seated around the table but he thinks that this just slipped off his tongue.
7. During the adjournment Councillor Miles went over to the kitchen area to make a cup of tea and witnessed an argument between Councillor Evans and Councillor Sherlock. He heard Councillor Evans accuse Councillor Sherlock of not having done anything for the Council but he did not hear any expletives from either Councillor. In his opinion both Councillor Evans and Councillor Sherlock were being aggressive and he considers that if the serving hatch had not been between them then the situation may have

become violent. It was not just a case of what was being said but the manner in which it was being said. Councillor Myles grabbed Councillor Evans and told him to calm down. He states that there were no witnesses to the exchange at the serving hatch except for Councillor Lomas who threatened to make a citizens arrest.

8. After Councillor Connolly had put forward a motion that the meeting should be suspended Councillor Myles put forward an amended motion that it should be suspended after the consideration of two urgent items. Councillor Myles states that the atmosphere was so charged that it was difficult to concentrate.

9. Councillor Myles' view is that if the meeting had been handled properly by the Chairman then the incident would not have happened. He states that the outburst was a result of an accumulation of circumstances and personality clashes which got out of control. People were allowed to 'rant on' more than they should have been allowed to do so and the Chairman lost control of the meeting. Councillor Evans has a reputation for saying what he thinks and he can be blunt. As a result, he is not the most popular member of the Council.

10. Councillor Myles is unhappy that the minutes contain a reference to the 'heated discussion causing embarrassment to the Council'. He was not asked for his opinion about this prior to it being included in the minutes.

11. Councillor Myles confirmed that Councillor Evans has not behaved in such a manner before although he has been shouted down on more than one occasion. He considers that inexperience and a lack of training contributed to the events although this is not an excuse for the outburst. He thinks that the Council as a whole would benefit from some training on conduct as they all need to take responsibility for how the Council is run.

30th November 2009

This is a note of the interview conducted over the telephone by Mrs Marie Lindsay with Councillor S Myles at 3.30am on Monday 30th November 2009.

I confirm that I have reviewed this record and made and initialled any alterations I think are necessary and identified any errors I believe are in the record. Subject to any initialled amendments I confirm that this represents a true record of the interview.

Signed.....
Dated.....

A2.14

1. Record of interview conducted by Marie Lindsay with the complainant Councillor David Sherlock.
2. Marie Lindsay explained to Councillor Sherlock that an allegation had been made that he swore at Councillor Evans during the exchange that occurred at the serving hatch at the Tidworth Town Council meeting on 2nd June. She explained that he allegedly said to Councillor Evans 'What the f**k have you ever done for Tidworth. As for your Tidworth Rock festival you're only there for yourself.'
3. Councillor Sherlock refutes the allegation of swearing completely and states that he would not say such a thing in front of colleagues, some of whom were female. He went on to say that he made no comment about the Tidworth Rock festival and can see no reason why he would mention it.
4. Councillor Sherlock confirms that the exchange between him and Councillor Evans 'was more than shouting' but he would not consider it to be aggressive. He explained that he has a naturally deep voice and he had spoken loud enough to make his comments heard over the distance of 5 to 10 metres which separated him and Councillor Evans. He was not shouting at the top of his voice and no one approached him to ask him to be quiet or calm down.
5. Councillor Sherlock states that there is no general animosity between him and Councillor Evans. He is not a businessman and has no professional dealings with Councillor Evans. As such he has no reason to be vindictive.

7th December 2009

This is a note of the interview conducted by Mrs Marie Lindsay with Councillor David Sherlock, who was unaccompanied, at his business address at 4pm on Monday 7th December 2009.

I confirm that I have reviewed this record and made and initialled any alterations I think are necessary and identified any errors I believe are in the record. Subject to any initialled amendments I confirm that this represents a true record of the interview.

Signed.....
Dated.....

TIDWORTH TOWN COUNCIL

MAY 2009

Minutes of the Annual Town Council meeting of Tidworth held on Tuesday 5th May 2009 in the main hall of the Community Centre at 7-00pm.

Present: C^{llr} Dagger, C^{llr} Franklin, C^{llr} Reid, C^{llr} Lomas, C^{llr} M. Connolly, C^{llr} Evans, C^{llr} A. Connolly, C^{llr} Hewitt, C^{llr} Birch, C^{llr} Hamblin, C^{llr} Carmichael, C^{llr} Jones, C^{llr} Hedge & C^{llr} Halfon. Representatives: Major Armer, Garrison HQ & Steve Dancey, press reporter. 4 Members of the Public present. C^{llr} Miles arrived late at 7-10pm.

1. Election of Chairman C^{llr} Carmichael nominated C^{llr} Dagger as Chairman, seconded by C^{llr} Jones. C^{llr} Evans nominated C^{llr} Franklin, seconded by C^{llr} Lomas, both C^{llrs} willing to stand. From standing orders, C^{llr} Birch requested the voting was by a ballot, seconded by C^{llr} Hewitt. After the clerk had to explain the format of voting to one councillor by writing down the names of nominated persons, the result of the ballot after counting and checking resulted in 7 votes each for both C^{llr} Dagger & C^{llr} Franklin, the outgoing Chairman made his casting vote, C^{llr} Dagger was duly elected Chairmap & he took the chair.

2. Resolution – To continue Chairman and Vice-Chairman Status C^{llr} Dagger from the Chair, proposed Tidworth Town Council should continue for another year with a Chairman & Vice-Chairman, not mayor & deputy mayor (Local Gov. Act 1972 s.245 (6)-(9)), Appendix A, seconded by C^{llr} Jones agreed unanimously. C^{llr} Dagger duly signed his declaration of acceptance of office form as Chairman.

3. Apologies were received from C^{llr} O'Connell & C^{llr} Sherlock (holiday), C^{llr} Buffrey (ill) & C^{llr} Wildman (SWEF meeting)

4. Election of Vice-Chairman/Deputy Mayor C^{llr} Evans nominated C^{llr} Franklin, seconded by C^{llr} Lomas. C^{llr} Franklin declined to stand. C^{llr} Evans nominated C^{llr} Miles, seconded by C^{llr} Franklin no further nominations received C^{llr} Miles was duly elected Vice-Chairman following the above resolution.

5. Declaration of Interest – none received

6. Formation of Committees – the following members were duly elected to the following committee: -

Finance & Management Committee – C^{llr} Hedge, C^{llr} A. Connolly, C^{llr} S. Dagger, C^{llr} S. Miles, C^{llr} M. Hamblin, C^{llr} C. Franklin, C^{llr} H. Jones, & C^{llr} A. Birch.

Planning Committee- C^{llr} Jones, C^{llr} Hewitt, C^{llr} Sherlock, C^{llr} Wildman, C^{llr} Reid, C^{llr} Halfon, C^{llr} Dagger, C^{llr} Hedge, C^{llr} Birch, & C^{llr} Lomas.

Heritage, Environment & Play Area Committee – C^{llr} Carmichael, C^{llr} Birch, C^{llr} O'Connell & C^{llr} Franklin.

Strategy Committee – C^{llr} Dagger, C^{llr} Miles, C^{llr} Buffrey, C^{llr} Hamblin, C^{llr} Carmichael, C^{llr} Hedge & C^{llr} Birch.

Would Councillors please check the listing above & contact the Clerk if they do not wish to stand on above committees. At first meeting of each committee please elect a Chairman and submit regular committee dates for 2009/2010 to the clerk..

Community Area Plan – Transport sub-committee – C^{llr} M. Connolly & C^{llr} H. Jones.
7. General Public – Questions WPC Wilby reported: a) the multi agency operation held 17th/18th April re anti-social behaviour had been a success. b) 16th May 2009 between 10am – 1pm take your bike to Tidworth Leisure Centre for postcode etching.

Questions to the police re vehicles speeding in Ludgershall Road; a traffic officer had been in the area with a speed gun but on this occasion only warnings were given. Hopefully when the NEQ development goes ahead the proposed roundabout near Beech Hill junction will serve as a traffic calming measure.

The Manager of Tidworth Royal British Legion senior football Club complained that sport pitches & changing facilities at Arcot Road, Tidworth were not always available for their home matches although booking of these facilities had been made in advance from their fixture list

This causes considerable expense to find alternative venues with changing facilities (a requirement of their league) at very short notice and has resulted in the senior team having to play several home matches in Andover. The Royal British Legion football team is the only senior team in Tidworth but if pitches in Tidworth are continually unavailable for home matches then it could result in possible expulsion from their current league. The clerk to write to Mr A. Pickernell, Aspire & send a copy to Mr C. Kenton, Chief Executive Aspire & Col P. Tabor, Garrison Commander

The manager from the Royals football team showed the Council their new football strip purchased from the Town Council's donation made last year. Sunday 31st May 2009 between 10am – 6pm on Mooltan Sports ground they will be holding a fun day with end of season presentations taking place in Royal British Legion Club from 3-30pm – 4.00pm They would like to invite C'ills to attend this event; volunteers please contact the clerk. Mrs Tina Edwards asked the following questions: - a) If a record of Tidworth Town Council meetings could be made available for the Parish Magazine, this request will be discussed by the relevant committee. B) Her daughter lives at 3 Penning's Road and the youth are causing problems to nearby residents when they meet at the Town Council seat in this area often late at night until the early hours of the morning could the seat please be removed. The council feel the residents must call the police each time they are disturbed by anti social behaviour and the situation will be monitored, as elderly people use the seat regularly during the day. C) Footpath to Zouch school has no lighting and during the winter months children walk home from after school clubs in the dark, the Transport Group will investigate lighting. Two lighting columns from Gason Hill leading to the footpath are not working, the clerk will report via Clarence. D) PCC of Holy Trinity request a directional road sign to the Church and Church Rooms, C'Ilr M. Connolly will contact Peter Hanson on this matter. A request for signs to all Churches in Tidworth was received.

8. Minutes of the previous meeting had been circulated; C'Ilr Miles proposed they should be signed as a true record, seconded by C'Ilr Hewitt, carried. Matters arising: 3) A site visit to the The Old Brewery was held on Wednesday 22nd April 2009, the Town Council agreed to drop the request for double yellow lines in front of the garage regarding the outstanding Waiting Restrictions Order 2008 providing demarcation of pavement in front of the garage is marked by white lines at kerbside and rear of pavement. The garage will display signs 'No parking on the pavement' reminding their customers to keep the designated pavement clear at all times. 4.3) Wavell Road Play area – still no reply from Mr Hull, MHS, the clerk will invite him to attend June meeting. 4.10) The Tidworth logo used on the letterhead has been changed and amended copy was circulated for approval. 5) Demolition of Spar site at top of Station Road has commenced. 7) Station Road surface, C'Ilr Connolly reported that Tesco are adamant it should only be repaired, Wiltshire Council are waiting an independent survey on the condition of existing surface. 9) Transfer of land to Town & Parish Councils is on hold ng during the next 12 months while Wiltshire Council survey their needs etc.

9. Committee Reports

Planning Committee – C'Ilr Jones reported on 2 meetings held 7th & 21st April 2009; minutes had been circulated. Meeting held 7th April 2009 C'Ilr Sherlock in the chair due to C'Ilr Jones & C'Ilr Hedge declaring an interest regarding amended plans for Area 19 & amended plans for North East Quadrant. The committee objected to NEO traffic plans regarding signalised junctions at Ordnance Road & Merrut Road

Meeting held the 21st April 2009 viewed the Wellington Academy plans C'Ilr M. Connolly attended this meeting but declared an interest as a County Councillor. The Planning committee supported the overall scheme but raised observations regarding: a) car parking spaces needed increasing. B) The speed limit should be amended to 30mph at Brimstone Bottom and extend right through Ludgershall. C) External materials - concerned about the black wooden panels are too much of a contrast against other materials used & could be costly to keep pristine. C'Ilr Jones proposed both reports should be approved, seconded by C'Ilr Hedge, carried.

Heritage & Environment Committee – C'Ilr Carmichael reported on meeting held 21st April 2009, minutes had been circulated. 5) A sample bronze plaque to be requested before a final order is placed. The committee recommend that we delay applying for a civil wedding licence until such time as the Chapel is completely finished & cleaned. 6) Cemetery arbour specification complete and a quote is being obtained. 7) Bus Shelter – agreed to replace shelter at Somme Road but with a smaller 2 bay model. 8) No reply from Tesco HO regarding Christmas light annual donation. C'Ilr Carmichael proposed this report should be approved, seconded by C'Ilr Birch carried.

10. Correspondence

a) Wiltshire Council – Community Area Highway Information pack received on the Council's proposed highway schemes for 2009/2010.

Parish Steward Scheme – Invite to Contact Training Day 19th May 2009, no volunteers

b) Thank you letters from Drumbeat & Tidworth Over Sixties Club for the recent Donations.

c) Wiltshire Council - Community Emergency Volunteer training on 20th May 2009.

d) Aspire Defence Tree Management offering to attend a Town Council meeting to provide an overview of the tree management carried out on behalf of the MOD, the clerk to send an invite to attend a meeting.

e) A poster to display Marie Curie Cancer Care's event 12 June-12th July 2009.

f) Newsletters, annual reports & advertising received during the month available for inspection by Councillors.

C'Ilr Miles asked for a short adjournment of the meeting as he wished to speak to the Clerk.

g) A letter of resignation as Vice-Chairman was handed to the Clerk as C'Ilr Miles felt he could not work with the Chairman due to lack of vision. It was agreed election of Vice-Chairman would be an agenda item in June 2009.

11. Bills for Payment - The following cheques were drawn and passed for payment: -

ISS Waterers	Ground Maintenance	£762-84p
Mr B. Ward	Grass cutting Holy Trinity	£429-33p
Wiltshire Council	Non-domestic rates Cemetery	£82-90p
Wiltshire Council	Non-domestic rates Comm Centre	£167-00p
WALC	Annual subscription	£781-45p
Wolseley	Replacement toilet seat	£9-14p
Wiltshire Contractors	Repair/removal seats Pennings Rd	£139-75p
Mr S. Dagger	Travel Expenses	£23-48p
C/B GSU	Drumbeat civilian copies	£150-00p
Somerfield	Cleaning materials	£8-04p
Mrs J. White	Salary & Expenses	£1147-07p
Inland Revenue	TA & Insurance	£282-76p
Festive Lighting	Christmas Lights	£1127-00p
B. Gas Business	Electric supply	£104-19p

1st precept payment received and paid into current account a transfer of £45,000-00p requested for signature to transfer to Business 30 day account. Payment of cheques proposed by C'Ilr Hedge, seconded by C'Ilr A Connolly, carried.

12. Town Reports – 21st April the military carried out a litter picking practice, on 13th May 2009 all available soldiers will take part in Clean Sweep to pick up litter from family service quarters, in Tidworth, Bulford & Shipton, plus surrounding land and from the River Bourne. Local schools will be taking part and local civilians are invited to take part. Why is Tidworth listed as being in Hampshire instead of Tidworth Wiltshire? This has been investigated before and due to the mail being sorted in Southampton, but the county is irrelevant it is the postcode that donates the area.

Repairs to road surface required again by Hampshire Cross traffic lights outside of the dentist, the clerk will report via Clarence.

The road surface of A.338 at Cholderton from the mini-roundabout to junction for rare breeds farm is still in a bad condition.

Cllr Lomas & Cllr Hamblin volunteered to attend The Royals Football presentations. Major Armerly tendered his apologies for June meeting as he will be on holiday.

The horse chestnut disease appears to have improved this year - a question to raise when the Aspire Tree Management attend Council meeting.

Station Road, vehicles still parking in bus stops & taxi ranks and causing problems, the clerk will contact the Enforcement officer so that tickets can be issued now that the parking regulations are in force. Could Cllrs be provided with ID cards from Wiltshire Council to show the public if approaching them about any minor parking offence or similar problem, please put name forward to clerk if interested.

A concern raised that Tidworth residents could miss out on medical treatment due to postcodes and county boundary. It was felt there should be co-operation between the PCT's and G.P.'s can access care outside of Wiltshire. If transport is a problem then the Link Scheme may be able to provide transport for a small donation.

There being no further business to discuss the meeting closed at 8-25pm

DRAFT
A3.2

TIDWORTH TOWN COUNCIL

JUNE 2009

Minutes of the Town Council meeting of Tidworth held on Tuesday, 2nd June 2009 in the main hall of the Community Centre at 7-00pm.

Present: C^{llr} Dagger in the Chair, C^{llr} Wildman, C^{llr} M. Connolly, C^{llr} Evans, C^{llr} Miles, C^{llr} Hewitt, C^{llr} Buffey, C^{llr} A. Connolly, C^{llr} Birch, C^{llr} O'Connell, C^{llr} Franklin, C^{llr} Carmichael, C^{llr} Hedge, C^{llr} Sherlock, C^{llr} Jones, C^{llr} Hamblin & C^{llr} Lomas Representatives: DCOS Lt Col R. Carmen, & Steve Dancey, press reporter. Members of the public: Mr Galvin.

1. Election of Vice-Chairman C^{llr} Franklin asked why election of Chairman was not an agenda item; advice from WALC on the voting issue raised after the May meeting had only been received Monday 1st June 2009 and will be discussed under matters arising from the last minutes. Following the resignation of C^{llr} Miles at the May 2009 meeting, C^{llr} Carmichael nominated C^{llr} Sherlock, seconded by C^{llr} Birch. C^{llr} Evans nominated C^{llr} Miles (who is now willing to stand), seconded by C^{llr} Lomas. A vote by a show of hands was taken resulting in 9 votes for C^{llr} Sherlock, 7 votes for C^{llr} Miles. C^{llr} Sherlock was duly elected as Vice-Chairman.

2. Apologies were received from C^{llr} Reid & C^{llr} Halfon (prior engagements)

3. Declaration of Interest - none received.

4. General Public – Questions Mr Galvin reported: - 1) The resident at 26 Trinity House is leaving Tidworth and is disappointed the Council did not make contact regarding complaint about Sarsen Housing Association. 2) The grass along new footpath from Gason Hill to Zouch Primary School has not been cut and another area near the play area and garages is still overgrown, the clerk will investigate.

WPC Wilby reported: - 1) A number of car crimes had been reported, a male arrested & admitted to 8 crimes involving cars. 2) Youths in the Burlington Close area causing anti-social behaviour; the public are asked to report any incident however small; if they wish to remain anonymous please contact Crime Stoppers. WPC Wilby left the meeting.

5. Minutes of the previous meeting had been circulated; matters arising: 1) Election of Chairman – C^{llr} Franklin questioned a void paper in the ballot at the May meeting. WALC had been contacted for advice on the procedure & the reply from the County secretary 'the best course of action had been taken in the circumstances. C^{llr} Evans became very vocal on this matter, he was asked to leave the meeting but continued the heated discussion causing embarrassment to the Council. Another C^{llr} was prepared to make a citizen's arrest under section five public order offence; the meeting was adjourned at 7-25pm for 10 minutes. Lt Col Carmen and C^{llr} Hewitt left the meeting.

7-35pm the meeting reconvened & C^{llr} Jones tabled a motion - the chairman had been elected last month, he had accepted by signing his Declaration of Acceptance Form, due to complaints after the meeting closed advice on procedure to elect the Chairman had been sought from WALC, their reply – best course of action taken, so the meeting should move on, seconded by C^{llr} Carmichael. A vote was taken on the above motion, which was carried by 8 votes to move on, & 1 vote against.

C^{llr} A. Connolly tabled another motion that the meeting should be suspended due to circumstances of the heated discussions. C^{llr} Miles proposed an amended motion that the meeting should be suspend after Renewal of Insurance Policy and Bills for Payment had been discussed, seconded by C^{llr} Dagger, agreed.

9. Insurance Policy – Renewal C^{llr} Hedge as Chairman of Finance & Management Committee had compared quotes from WPS Broking Services. Policy with Norwich Union and the renewal quote from our existing insurers Allianz, a decision was required tonight so the Council remained insured.

Norwich Union although cheaper this year it was felt had undercut figures from our Schedule of last year but had also imposed a three-year long-term agreement so that prices could be increased in the 2nd & 3rd year. C'lr Hedge therefore proposed the policy be renewed with Allianz for £5832-99p, seconded by C'lr Franklin, carried. C'lr Hedge proposed more time is given next year to obtain quotes for the Insurance Policy.

11. Bills for Payment – The following cheques were drawn and passed for payment: -

C/B GStU	Drumbeat civilian copies	£150-00p
Wiltshire Council	Non-domestic rates Community Centre	£167-00p
Tom Butler	Hanging baskets x 2 months	£155-48p
Wiltshire Contractors	Repair Play area fence	£58-65p
Mrs J. White	Salary & expenses	£1146-86p
Inland Revenue	Tax & Insurance	£285-44p
Wilts Contractors	Repairs Community Centre	£44-85p
ISS Waterers	Ground Maintenance	£762-84p
Accounting Solutions	Year end close down & accounts	£545-56p
Allianz Insurance plc	Renewal of policy	£5832-99p

A transfer of £8000-00p from Business 30 day account into the current account requested for signature. C'lr Hedge proposed payment of the above cheques, seconded by C'lr Jones carried.

The clerk reported the 2008/2009 accounts need to be adopted by the Town Council before 30th June 2009, an Extraordinary Council Meeting will be called for Tuesday 16th June 2009 at 7-30pm to discuss this matter.

The meeting was closed at 7-50pm and all outstanding business will be discussed at July 2009 meeting.

TIDWORTH TOWN COUNCIL

JUNE 2009

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Present: C^{llr} Dagger in the Chair, C^{llr} Wildman, C^{llr} M. Connolly, C^{llr} Evans, C^{llr} Miles, C^{llr} Hewitt, C^{llr} Buffey, C^{llr} A. Connolly, C^{llr} Birch, C^{llr} O'Connell, C^{llr} Franklin, C^{llr} Carmichael, C^{llr} Hedge, C^{llr} Sherlock, C^{llr} Jones, C^{llr} Hamblin & C^{llr} Lomas Representatives: DCOS Lt Col R. Carmen, & Steve Dancey, press reporter. Members of the public: Mr Galvin.

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4. General Public – Questions Mr Galvin reported: - 1) The resident at 26 Trinity House is leaving Tidworth and is disappointed the Council did not make contact regarding complaint about Sarsen Housing Association. 2) The grass along new footpath from Gason Hill to Zouch Primary School has not been cut and another area near the play area and garages is still overgrown, the clerk will investigate.

WPC Wilby reported: - 1) A number of car crimes had been reported, a male arrested & admitted to 8 crimes involving cars. 2) Youths in the Burlington Close area causing anti-social behaviour; the public are asked to report any incident however small; if they wish to remain anonymous please contact Crime Stoppers. WPC Wilby left the meeting.

5. Minutes of the previous meeting had been circulated; matters arising: 1) Election of Chairman – C^{llr} Franklin questioned a void paper in the ballot at the May meeting. WALC had been contacted for advice on the procedure & the reply from the County secretary 'the best course of action had been taken in the circumstances. C^{llr} Evans became very vocal on this matter, he was asked to leave the meeting but continued the heated discussion causing embarrassment to the Council; the meeting was adjourned at 7-25pm for 10 minutes. Lt Col Carmen and C^{llr} Hewitt left the meeting.

7-35pm the meeting reconvened & C^{llr} Jones tabled a motion - the chairman had been elected last month, he had accepted by signing his Declaration of Acceptance Form, due to complaints after the meeting closed advice on procedure to elect the Chairman had been sought from WALC, their reply – best course of action taken, so the meeting should move on, seconded by C^{llr} Carmichael. A vote was taken on the above motion, which was carried by 8 votes to move on, & 1 vote against.

C^{llr} A. Connolly tabled another motion that the meeting should be suspended due to circumstances of the heated discussions. C^{llr} Miles proposed an amended motion that the meeting should be suspend after Renewal of Insurance Policy and Bills for Payment had been discussed, seconded by C^{llr} Dagger, agreed.

9. Insurance Policy – Renewal C^{llr} Hedge as Chairman of Finance & Management Committee had compared quotes from WPS Broking Services. Policy with Norwich Union and the renewal quote from our existing insurers Allianz, a decision was required tonight so the Council remained insured.

Page 42

Norwich Union although cheaper this year it was felt had undercut figures from our Schedule of last year but had also imposed a three-year long-term agreement so that prices could be increased in the 2nd & 3rd year. C^{llr} Hedge therefore proposed the policy be renewed with Allianz for £5832-99p, seconded by C^{llr} Franklin, carried. C^{llr} Hedge proposed more time is given next year to obtain quotes for the Insurance Policy.

11. Bills for Payment – The following cheques were drawn and passed for payment: -

C/B GSU	Drumbeat civilian copies	£150-00p
Wiltshire Council	Non-domestic rates Community Centre	£167-00p
Tom Butler	Hanging baskets x 2 months	£155-48p
Wiltshire Contractors	Repair Play area fence	£58-65p
Mrs J. White	Salary & expenses	£1146-86p
Inland Revenue	Tax & Insurance	£285-44p
Wilts Contractors	Repairs Community Centre	£44-85p
ISS Waterers	Ground Maintenance	£762-84p
Accounting Solutions	Year end close down & accounts	£545-56p
Allianz Insurance plc	Renewal of policy	£5832-99p

A transfer of £8000-00p from Business 30 day account into the current account requested for signature. C^{llr} Hedge proposed payment of the above cheques, seconded by C^{llr} Jones carried.

The clerk reported the 2008/2009 accounts need to be adopted by the Town Council before 30th June 2009, an Extraordinary Council Meeting will be called for Tuesday 16th June 2009 at 7-30pm to discuss this matter.

The meeting was closed at 7-50pm and all outstanding business will be discussed at July 2009 meeting.

A HOST of dignitaries, business leaders and volunteers attended a celebration of the fundraising work of the Testway Transform Money Box Fund.

Since its creation in August 2007,

the charitable arm of Testway Housing has provided grants for 53 different groups in and around the Test Valley area and helped more than 5,000 people.

Grants can range from £250 to £2,500

and have been used to provide anything from a new trailer for Andover District Explorer Scouts to funding a line-dancing teacher for the visually impaired people in the town.

One of the groups helped by the money fund was Andover Unicorn Darts Youth Academy.

Chairman Glen Dawkins said: "The grant from Transform helped considerably to take the team to play around the south of England and has helped kit them out with brilliant embroidered shirts with their names on. Our academy is now the envy of all other academies across the UK and, through the help of the partners, we are now the benchmark for all others to aim for."

Geoff Mitchell, chairman at Testway Housing Association, said: "It's just brilliant what Testway Transform does and it's amazing that for what some might see as a small sum, you can make a real difference."

Andover MP Sir George Young is a patron of Testway Transform alongside the Bishop of Winchester, the Rt Rev Michael Scott-Joynt, and Lord Lieutenant of Hampshire Mary Fagan.



Rt Hon Sir George Young MP, above, and, below; chairman of Testway Geoff Mitchell.



theme of the 2009 St Peter's Church Flower Festival in Stockbridge from 26 to 28 June.

Between 10am and 7pm on the first two days and midday and 6pm on the last day, different floral arrangements will be on display in the church.

Cream teas will be served between 2pm and 5pm on 27 and 28 June.

Fashion show

A FAIRTRADE Fashion Show will take place at Stockbridge Primary School on 18 June from 7.30pm.

Both men and women's fashion will be on display, along with jewellery, scarves and bags for sale.

Tickets costing £3 (to include a glass of wine) are available from Robinson's Butchers and The Garden Inn in Stockbridge High Street.

Casino night

A CASINO evening has been arranged at the Vernham Dean Millennium Hall for Saturday 4 July.

Tickets are £20 per head which includes a free drink, supper and 100 Vernham Dean dollars.

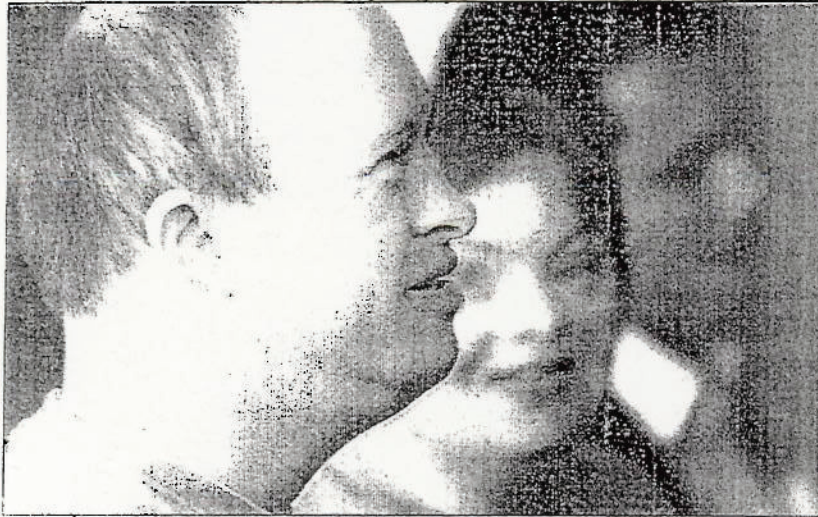
Limited tickets are available for the casino evening.

Call Tandy on 01264 737768 or Mary on 01264 737630 for more information.

Shop evacuated

CUSTOMERS and employees of the Wilkinsons store in Andover were evacuated last Thursday as part of a routine health and safety procedure.

The store was closed for about ten minutes at around 10.30am to ensure everyone had left the premises safely.



Visitors from Romsey Gateway at the celebration event.

Council meeting ends in uproar

A TOWN council meeting had to be suspended after uproar ensued when some members described a decision taken at the previous meeting as a "fiasco".

At one point during the suspension Bill Lomas, a former police officer in Tidworth, said that he was prepared to effect a citizen's arrest on another councillor who was particularly disgruntled and voluble during heated discussions.

Mr Lomas told Cllr Paul Evans: "I am prepared to make a citizen's arrest as you are on the verge of committing a section five public order offence."

Mr Evans was the most vocal of a

by Steve Dancey

email: steve.dancey@andoveradvertiser.co.uk

number of councillors who were unhappy at the re-election of Steve Dagger at last month's meeting when the council voted seven-seven on the chairmanship issue and he used his casting vote to re-appoint himself.

They claim that one of the votes cast in Mr Dagger's favour was void as hard-of-hearing councillor Dottie Halfon needed the secret ballot vote explained by clerk Janet White (the chamber is

not equipped with a loop system for deaf people).

Cllr Chris Franklin, who was defeated in his chairmanship last month, said: "I don't believe the ballot was correct and do believe that there was a void paper."

Cllr Humphrey Jones said: "Dottie didn't know what she had been asked to do and it was entirely proper for the clerk to explain."

However, Cllr Andrew Connolly believed the vote was void because Mrs Halfon has written something on her ballot paper before she voted - effectively spoiling her vote.

Clerk Janet White told the council

that she had contacted the Wiltshire Association of Local Councils about the matter and they said "the best course of action had been taken in the circumstances".

The meeting was suspended at 7.25pm for 15 minutes and abandoned at 7.50pm with the issue unresolved.

What do you think of the 'fiasco'?

COMMENT ONLINE

andoveradvertiser.co.uk/news



Confidential – Not for general publication

A3.5

Wiltshire Council

Standards Committee

Assessment Sub-committee

WILTSHIRE COUNCIL

AGENDA ITEM NO. 6

DATE 7th July 2009

Initial Assessment

Complaint against Councillor Paul Evans – Tidworth Town Council

1. On 23rd June 2009 the Monitoring Officer received a complaint from Councillor David Sherlock against Councillor Paul Evans, a member of Tidworth Town Council.
2. The complaint concerns allegations that at a meeting of Tidworth Town Council on 2nd June 2009 Councillor Evans behaved in such a manner as to bring his office or authority into disrepute and failed to treat others, including the complainant, with respect. This is set out by the complainant in his complaint form - **Appendix A.**
3. The complainant has provided minutes of the meeting of 2nd June 2009 to support his complaint, and these appear at **Appendix B.**
4. The complainant alleges that Councillor Evans' behaviour breached the following paragraphs of the Code:
 - Paragraph 3 (1) – "You must treat others with respect"; and
 - Paragraph 5 - "You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute".
5. Councillor Evans' Declaration of Acceptance of Office and undertaking to observe the Code of Conduct and Register of Interests are at **Appendix C.** Tidworth Town Council's Code of Conduct is at **Appendix D.**
6. Councillor Evans was a member of Tidworth Town Council at the time of the incident giving rise to this complaint. He had agreed to be bound by the Code of Conduct for members.

7. The Sub-Committee is required to take into account the matters set out in the Local Assessment Criteria (**copy attached**).
8. The Assessment Sub-Committee is requested to assess whether the complaint, if proven, would represent a breach of the Code of Conduct for Members, and to reach one of the following three decisions:
 - a. Refer the complaint to the Monitoring Officer of the authority for investigation or other appropriate action (e.g., mediation or informal resolution)
 - b. Refer the complaint to the Standards Board for England
 - c. Decide that no further action should be taken in respect of the complaint.

Ian Gibbons Monitoring Officer

Report Author: Nina Wilton

01225 713078

Date of report 30th June 2009

Background Papers

none

DECISION NOTICE: REFER FOR INVESTIGATION

Reference WC- 24/09

Complaint

On 7 July 2009, the standards committee of this authority considered a complaint from Cllr David Sherlock regarding the alleged conduct of Cllr Paul Evans, a member of Tidworth Town Council. We have set out a general summary of the complaint below:

The complainant alleges that at a meeting of Tidworth Town Council on 2 June 2009, Cllr Evans verbally abused other councillors present, including the complainant, causing the meeting to be to be adjourned for ten minutes. The complainant alleges that Cllr Evans failed to treat others with respect and brought his office or authority into disrepute.

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 complaint to the Monitoring Officer of this authority for investigation.

Reasons for decision

Members of the sub-committee found that, if proven, Cllr Evans' alleged conduct would constitute a breach of the following paragraphs of the Code of Conduct for Members:

- 3 (1). You must treat others with respect.
5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and to the clerk of the town council.

What happens now?

- Investigation – Please see the attached guide on the investigations process. The investigator will use this guidance, but if s/he considers it necessary to vary the process in the guidance, will be permitted to do so at the discretion of the Monitoring Officer.

Terms of reference

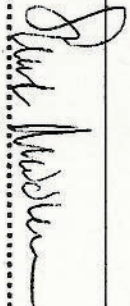
The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.

The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

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 31st July 2009

Chair of Assessment Sub-Committee

5 August 2009

A3.7

Marie Lindsay
Ethical Governance Officer
Wiltshire Council

Your ref: ML
Our ref: IRG/WC 24/09

Dear Mrs Lindsay,

Appointment as Investigating Officer - Complaint against Councillor Evans

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 Councillor David Sherlock (the complainant) concerning the alleged conduct of Councillor Paul Evans, a member of Tidworth Town 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 7 July 2009
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 the Standards Board 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. I would also like you to report to me on your progress with the investigation at regular intervals to be agreed.

You should aim to complete and present your final report to me within 8 weeks of the date of this letter. Please let me know at the earliest opportunity if you consider that it may not be possible to meet this timescale.

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

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

A3.8

Investigation plan

Case No: WC-24/09

Date received by standards committee: 7 July 2009

Date referred to investigator: 5 August 2009

Ref No:

Subject member:	Councillor Paul Evans Tidworth Town Council	Complainants:	Councillor David Sherlock
Authority:		Investigator:	Marie Lindsay

Target for monitoring officer's receipt of draft report

Date due: 12 October 2009

Explanation: Summer holidays are likely to result in non-availability of witnesses. Investigator on leave 17 to 31 August and then on jury service from 21 September to 2 October.

Target for issue of draft report

Date due: 19 October 2009

Explanation: To allow Monitoring Officer time to consider draft report

Target for issue of final report

Date due: 2 November 2009

Explanation: To allow time for subject member and complainant to comment on draft report, and for investigator to make any relevant amendments resulting from those comments.

Case analysis

Behaviour alleged

That at a meeting of Tidworth Town Council on 2 June 2009 Councillor Evans behaved in such a manner as to bring his office or authority into disrepute and failed to treat others with respect.

Relevant Code paragraphs

Paragraph 3(1) – failing to treat others with respect;

Paragraph 5 – bringing an office or authority into disrepute.

Did he make the statement as alleged?

Who else heard the words? What was the impact of the words upon those that heard?

What was the context of the words spoken?

Was it a public meeting?

Were the words spoken by Cllr Evans as part of a private conversation or as part of the public meeting?

Was Cllr Evans attending the meeting as a councillor?

Statement from complainant

Statement from Councillor Evans

Witness statements from others

present at the meeting on 2 June and directly involved in the alleged incident – Cllr Steve Dagger

(Chairman), Cllr David Wildman and Cllr Bill Lomas

Copy of Andover Advertiser dated 5

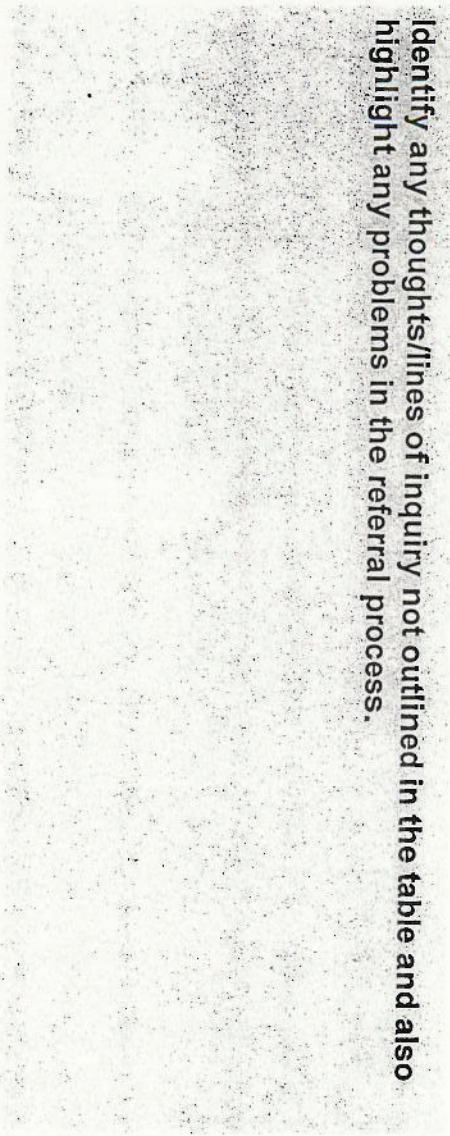
June in which the incident was reported

Evidence obtained

To add additional analysis, copy and paste the above table.

Other matters

Identify any thoughts/lines of inquiry not outlined in the table and also highlight any problems in the referral process.



Approved by:

III GMBL S

Date:

12 August 2009

A3.9

Dear Katie.

Re our telecon. 1430 Thursday 14th July.

Here are the chain of events.

Election of Chairperson

Two candidates

Secret ballot requested

Twelve votes collected

Two delayed

On taking the last two votes the Clerk noticed, because it was given to her open, that one had been incorrectly filled out.

In fact the councillor had put her own name on the paper.

The Clerk then explained what was required and wrote the two candidates names on her own notepad.

The councillor entered her vote correctly

The votes were then counted

Fourteen votes cast, seven for each candidate

Out going chairperson (myself) has casting vote

Re-elected Chairperson S M Dagger

I would like your opinion on the procedure taken.

Yours

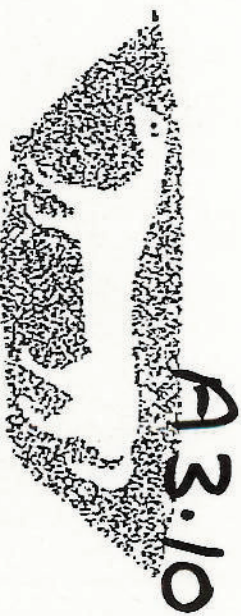


Steve Dagger

Chairperson???

Tidworth Town Council

01980 846 737



By Fax: Monday 01 June 2009
To: Councillor S Daggar - 01980 846731
From: Katie Fielding - 01380 7228476

Dear Councillor Daggar

Further to your enquiry, please find my views on the procedures you outline below.


The law does not provide for certain events which arise during the procedure of electing a chairman, only for the procedure itself, that said however, I have looked at the outline of events where a member wrote her own name on the paper in error and come to my conclusions based on practice.

As I understand it, on noticing that the member had written her own name in error, rather than the name of one of the two named candidates, the clerk wrote the names of the candidates down for the member as a reminder so that she could vote with the two nominees in mind, which she then did. If my interpretation is correct then I would view this as the best course of action to take in the circumstances.

Once this had been done there was an equality of votes. Under section 15 of the Local Government Act 1972, the outgoing chairman remains in that position until his successor becomes entitled to act as chairman (unless he has previously resigned or become disqualified), and under the same section of the same act, the outgoing chairman, if presiding over the meeting, has both a normal and, in the case of an equality of votes, a casting vote. If the chairman, at that point has ceased to become a councillor (e.g. in an election year, or if he is resigning from the council), he does not have a normal vote, only a casting vote, but as I understand it, this aspect of the law is not relevant in this case.

I hope my comments above are clear. Please let me know if you require any further clarification. I would be grateful to know you have received this facsimile.

Yours sincerely


Katie Fielding
County Secretary

WILTSHIRE ASSOCIATION OF LOCAL COUNCILS
WORKING IN PARTNERSHIP WITH LOCAL COUNCILS IN WILTSHIRE & SWINDON.
AFFILIATED TO THE NATIONAL ASSOCIATION OF LOCAL COUNCILS

Wyndham's, St. Joseph's **Page 94**
Rode, Devizes, Wiltshire SN10 1DD
Direct Line for General Enquiries: 01380 729549

81

A3.11

Lindsay, Marie

From: Janetwhitepc@aol.com
Sent: 05 October 2009 20:02
To: Lindsay, Marie
Subject: Re: Code of Conduct training

Hello Marie,

Tidworth Town Council were offered advice in a letter from Wiltshire Council new Standards Board in September 2009 and a DVD was also enclosed. This item will be discussed at our next Strategy committee meeting when members have been able to view the DVD. No training has been undertaken to date.

Sorry for delay in my reply but I have been on holiday.

Regards

Janet White
Clerk of TTC

This email has been scanned by the Messagelabs Email Security System.
For more information please visit <http://www.messagelabs.com/email>

193.12

Lindsay, Marie

From: Janetwhitepc@aol.com
Sent: 12 November 2009 15:41
To: Lindsay, Marie
Subject: Re: TRIM: Re: Code of conduct complaint
Attachments: TTC Minutes June'08 - May '09.pdf

Hello Marie,

Please find attached file containing June 2008 - May 2009 showing attendance of C/llrs plus apologies received. Meetings not held during August & February 2009 the chairman cancelled the meeting due to heavy snowfalls & bad road conditions. I hope this information is sufficient if not please let me know.

Regards

Janet White
Clerk of TTC

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TIDWORTH TOWN COUNCIL

JUNE 2008

Minutes of the Town Council meeting of Tidworth held on Tuesday, 3rd June 2008 in the main hall of the Community Centre at 7-00pm.

Present: C'Ilr Dagger in the Chair, C'Ilr Franklin, C'Ilr Wildman, C'Ilr M. Connolly, C'Ilr Miles, C'Ilr Ward, C'Ilr Hewitt, C'Ilr Buffey, C'Ilr Birch, C'Ilr Reilly, C'Ilr A. Connolly, C'Ilr Hamblin, C'Ilr Carmichael, C'Ilr Sherlock, C'Ilr Hedge, C'Ilr Jones & C'Ilr Halfon. Reprs: C'Ilr Giles LTC, Major Lee CoS, Garrison & Steve Dancey press reporter. Members of the Public: Mr Lomas, Mrs O'Connell & Mr Galvin.

1. Apologies received from C'Ilr Evans.

TIDWORTH TOWN COUNCIL

JULY 2008

Minutes of the Town Council meeting of Tidworth held on Tuesday, 1st July 2008 in the main hall of the Community Centre at 7-00pm.

Present: C'Ilr Dagger in the Chair, C'Ilr Franklin, C'Ilr Wildman, C'Ilr Reid, C'Ilr M. Connolly, C'Ilr Miles, C'Ilr Hedge, C'Ilr Ward, C'Ilr Hewitt, C'Ilr Birch, C'Ilr Reilly, C'Ilr Hamblin, C'Ilr A. Connolly, C'Ilr Carmichael, C'Ilr Sherlock, C'Ilr Jones, C'Ilr Halfon & C'Ilr Evans. Reprs: Major Amery, Garrison HQ & S. Dancey press reporter. Members of the Public: Mr Lomas, Mrs & Murray & Mr Galvin.

The Chairman announced the sad loss of Peter Colling, past Parish Chairman & District Councillors for many years & a 2 minutes silence was held, afterwards details of his Memorial Service were announced.

1. Apologies were received from C'Ilr Buffey (prior engagement); the police also sent their apologies.

TIDWORTH TOWN COUNCIL

SEPTEMBER 2008

Minutes of the Town Council meeting of Tidworth held on Tuesday 2nd September 2008 in the main hall of the Community Centre at 7-00pm.

Present: C'Ilr Dagger in the Chair, C'Ilr Franklin, C'Ilr Reid, C'Ilr M. Connolly, C'Ilr Miles, C'Ilr Evans, C'Ilr Hewitt, C'Ilr Hedge, C'Ilr Buffey, C'Ilr Birch, C'Ilr Hamblin, C'Ilr Carmichael, C'Ilr Sherlock & C'Ilr Jones. Representatives: Major Richard Amery, Garrison HQ, & Steve Dancey press reporter. Member of the Public: Mr R. Atkinson-Willes, Project Workshop, Quarley & Mr Galvin.

1. Apologies were received from C'Ilr Halfon, C'Ilr Wildman (prior engagement), C'Ilr A. Connolly (work) & C'Ilr Ward (ill). The police also sent apologies.

TIDWORTH TOWN COUNCIL

OCTOBER 2008

Minutes of the Town Council meeting of Tidworth held on Tuesday, 7th October 2008 in the main hall of the Community Centre at 7-00pm.

Present: C'Ilr Dagger in the Chair, C'Ilr Franklin, C'Ilr Hewitt, C'Ilr M. Connolly, C'Ilr Birch, C'Ilr Carmichael, C'Ilr Hedge, & C'Ilr Halfon. Representatives: Sgt M. Phipps, & PCSO Downham, Mr A. Johnstone, HQ & Steve Dancey, press reporter. Member of Public: Mr Galvin.

1. Apologies were received from C'Ilr Jones, C'Ilr Sherlock (holiday), C'Ilr Reid, C'Ilr Hamblin, C'Ilr Miles, C'Ilr Reilly & C'Ilr A. Connolly (work) C'Ilr Buffey (ill) & C'Ilr Wildman (prior engagement).

TIDWORTH TOWN COUNCIL

NOVEMBER 2008

Minutes of the Town Council meeting of Tidworth held on Tuesday, 4th November 2008 in the main hall of the Community Centre at 7-00pm.

Present: C'Ilr Dagger in the Chair, C'Ilr Franklin, C'Ilr Reid, C'Ilr M. Connolly, C'Ilr Miles, C'Ilr Hedge, C'Ilr Hewitt, C'Ilr Buffey, C'Ilr Birch, C'Ilr Reilly, C'Ilr Hamblin,

C'llr Carmichael, C'llr Sherlock, C'llr Jones & C'llr Halfon. Representatives: Major Amery, Garrison HQ, & S. Dancey press reporter. Members of the public: Mr Lomas, Mr Galvin, Mrs O'Connell & 3 members of Tidworth Royals FC.

1. Apologies were received from C'llr A. Connolly & C'llr Wildman. PC Eburne also sent his apologies.

TIDWORTH TOWN COUNCIL

DECEMBER 2008

Minutes of the Town Council meeting of Tidworth held on Tuesday, 2nd December 2008 in the main hall of the Community Centre at 7-00pm

Present: C'llr Dagger in the Chair, C'llr Franklin, C'llr Reid, C'llr M. Connolly, C'llr Miles, C'llr Evans, C'llr Hedge, C'llr Hewitt, C'llr Buffey, C'llr Birch, C'llr Hamblin, C'llr A. Connolly, C'llr Carmichael, C'llr Sherlock, C'llr Jones & C'llr Halfon.

Representatives: Major Amery, P.C. Eburne, Mr Schofield Wellington Academy & S. Dancey press reporter. Members of Public: Mrs O'Connell and 2 members of Tidworth Royals.

1. Apologies were received from C'llr Wildman and C'llr Reilly (prior engagements)

TIDWORTH TOWN COUNCIL

JANUARY 2009

Minutes Of the Town Council meeting of Tidworth held on Tuesday, 6th January 2009 in the main hall of the Community Centre at 7-00pm.

Present: C'llr Dagger in the Chair, C'llr Franklin, C'llr Reid, C'llr M. Connolly, C'llr Wildman, C'llr Miles, C'llr Evans, C'llr A. Connolly, C'llr Hewitt, C'llr Birch, C'llr Hamblin, C'llr Hedge, C'llr Sherlock, C'llr Jones & C'llr Halfon. Representatives: Major Amery & Steve Dancey. Members of Public: Mr Lomas, Mr Thomas, Mr Galvin & Mr O'Keefe.

The Chairman had been handed a letter of resignation from Mrs Jean Ward, due to ill health & Mr Baz Reilly handed in a letter of resignation to the meeting due to work commitments, he then left the meeting, both resignations were accepted with regret, the Clerk will report both casual vacancy's to Wiltshire Electoral Services.

1. Apologies were received from C'llr Carmichael (ill) & C'llr Buffey (hospital).

TIDWORTH TOWN COUNCIL

MARCH 2009

Minutes of the Town Council meeting of Tidworth held on Tuesday 3rd March 2009 in the main hall of the Community Centre at 7-00pm.

Present: C'llr Dagger in the Chair, C'llr Franklin, C'llr Reid, C'llr M. Connolly, C'llr Miles, C'llr Evans, C'llr Hewitt, C'llr Buffey, C'llr Birch, C'llr Hedge, C'llr Carmichael, C'llr Sherlock, C'llr Jones & C'llr Halfon. Representatives: Major R. Amery, Sgt Freeman, Steve Dancey, press, Mr M. Winterbourne, TDT & Mrs V. Powley, TCAP. Members of the public: Mr Galvin, Mr Lomas & Mrs O'Connell.

1. Apologies were received from C'llr Hamblin (work), C'llr A. Connolly & C'llr Wildman (prior engagement)

1. TIDWORTH TOWN COUNCIL

APRIL 2009

Minutes of the Town Council meeting of Tidworth held on Tuesday 7th April 2009 in the main hall of the Community Centre at 7-00pm.

Present: C'llr Dagger in the Chair, C'llr Franklin, C'llr Reid, C'llr Wildman, C'llr M. Connolly, C'llr Miles, C'llr Evans, C'llr Hewitt, C'llr Buffey, C'llr O'Connell, C'llr Hedge, C'llr Carmichael, C'llr Sherlock, C'llr Jones & C'llr Halfon. Representatives: Major R. Amery, WPC Jayne Wilby, PCSO Michael Tryhorn & Steve Dancey press reporter. Members of Public: Mr Galvin, Mr Bailey & Mr Blandford.

1. Apologies were received from C'llr Birch (ill), C'llr A. Connolly (work), C'llr Lomas & C'llr Hamblin (holiday).

TIDWORTH TOWN COUNCIL
MAY 2009

Minutes of the Annual Town Council meeting of Tidworth held on Tuesday 5th May 2009 in the main hall of the Community Centre at 7-00pm.

Present: C'Ilr Dagger, C'Ilr Franklin, C'Ilr Reid, C'Ilr Lomas, C'Ilr M. Connolly, C'Ilr Evans, C'Ilr A. Connolly, C'Ilr Hewitt, C'Ilr Birch, C'Ilr Hamblin, C'Ilr Carmichael, C'Ilr Jones, C'Ilr Hedge & C'Ilr Halfon. Representatives: Major Amery, Garrison HQ & Steve Dancey, press reporter. 4 Members of the Public present. C'Ilr Miles arrived late at 7-10pm.

1. Election of Chairman C'Ilr Carmichael nominated C'Ilr Dagger as Chairman, seconded by C'Ilr Jones. C'Ilr Evans nominated C'Ilr Franklin, seconded by C'Ilr Lomas, both C'Ilrs willing to stand. From standing orders, C'Ilr Birch requested the voting was by a ballot, seconded by C'Ilr Hewitt. After the clerk had to explain the format of voting to one councillor by writing down the names of nominated persons, the result of the ballot after counting and checking resulted in 7 votes each for both C'Ilr Dagger & C'Ilr Franklin, the outgoing Chairman made his casting vote, C'Ilr Dagger was duly elected Chairman & he took the chair.

2. Resolution – To continue Chairman and Vice-Chairman Status C'Ilr Dagger from the Chair, proposed Tidworth Town Council should continue for another year with a Chairman & Vice-Chairman, not mayor & deputy mayor (Local Gov. Act 1972 s.245 (6)-(9), Appendix A, seconded by C'Ilr Jones agreed unanimously. C'Ilr Dagger duly signed his declaration of acceptance of office form as Chairman.

3. Apologies were received from C'Ilr O'Connell & C'Ilr Sherlock (holiday), C'Ilr Buffrey (ill) & C'Ilr Wildman (SWEP meeting)

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STANDARDS CONSIDERATION SUB-COMMITTEE

MINUTES OF THE STANDARDS CONSIDERATION SUB-COMMITTEE MEETING HELD ON TUESDAY 9 FEBRUARY AT 14.00PM IN COMMITTEE ROOM 7, COUNTY HALL, TROWBRIDGE

Present:	Mr I McGill CBE	Independent Member
	Mr P Neale	Parish Council Member
	Cllr E Clark	Wiltshire Council Member
	Marie Lindsay	Investigator
	Ian Gibbons	Monitoring Officer
	Pam Denton	Senior Democratic Services Officer

PART 1

Items considered whilst the meeting was open to the public

1. ELECTION OF CHAIRMAN

In accordance with the requirement that the hearing is chaired by an independent member, it was

Resolved:

That Mr I McGill is elected Chairman for the duration of this meeting of the Standards Hearing Sub-Committee

Mr I McGill in the Chair

2. DECLARATIONS OF INTEREST

None were declared.

3. EXCLUSION OF PRESS AND PUBLIC

The Sub-Committee resolved to exclude the press and public from the meeting under Section 100(4) of the Local Government Act 1972 on the grounds that it is likely that if members of the public were present there would be disclosure to them of exempt information as defined in paragraph 7C of Part 1 of Schedule 12A of the Act, and the public interest in withholding the information outweighs the public interest in disclosing the information to the public.

4. CONSIDERATION OF INVESTIGATION REPORT

The Sub-Committee considered the Investigating Officer's report and noted the findings of the Investigating Officer.

Following consideration it was unanimously agreed that the complaint should be referred to a Standards Committee hearing for determination.

Resolved:

That the complaint into an allegation concerning Councillor Paul Evans is determined in accordance with the attached Decision Notice.

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