

## **DECISION NOTICE: COMPLAINT DISMISSED**

**Reference WC-ENQ00093**

**Subject Member**

Councillor Roger Durie- Great Bedwyn Council

**Complainant**

Mr David Williams

**Review Sub-Committee**

Cllr Pip Ridout - Chairman

Cllr Dennis Drewett

Cllr Trevor Carbin

Mr John Scragg (non-voting, independent member of the Standards Committee)

**Deputy Monitoring Officer**

Mr Paul Taylor

**Independent Person**

Mr Stuart Middleton

**Summary of the Complaint**

The complainant has provided a comprehensive dossier raising a number of issues. In summary the issues raised are:

1. The chair has not acted impartially fairly or on merit (breach of objectivity) when the Parish Council acted unlawfully by replacing an existing picket fence around a memorial marker stone placed within the grounds of the village hall at Great Bedwyn and failed to consult with family members before doing so.
2. The official minutes of the Parish Council meeting of 13 November 2014 are not a true reflection of the proceedings.
3. The complainant has written to the chair asking for information which has been ignored.
4. The chair has breached the principle of accountability and openness by ignoring the complainant and/or others request for the grievance procedure to be implemented and/or consult the committee in private.
5. The complainant is insulted by the Chair's comments that the complainant is not a blood relative.

## **Decision**

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 and after hearing from the Independent Person, the Review Sub-Committee of the Standards Committee has decided:

- To dismiss the complaint.

## **Reasons for Decision**

The Sub-Committee relied upon the original complaint, the initial assessment and the additional information supplied in the complainant's request for a review of that initial assessment.

The Sub-Committee was in agreement with the reasoning of the Deputy Monitoring Officer that issues 1 to 4 were in relation to the conduct of the Parish Council rather than the specific behaviours of the subject member, even if the subject member was the person whom the complainant has had or attempted principal contact with. They are not therefore within the remit of the Sub-Committee as they are not Code of Conduct matters. In particular, a dispute on the lawfulness of the Parish Council's actions would be a matter for the courts to determine. The Sub-Committee as a result took no view on the legality or otherwise of those actions.

'In relation to issue 5 the Sub-Committee was satisfied that the initial tests, which should be completed as part of the local assessment criteria, had been correctly undertaken. The Sub-Committee agreed that the complaint related to the conduct of a member, that the member was in office at the time of the alleged incident and that the Code of Conduct was in force at the relevant time.

The Sub-Committee assessed the complainant's submissions in their request for review, and did not consider that the additional material undermined the reasoning of the Deputy Monitoring Officer that, while the reference to the complainants' relationship to the subjects of the commemoration stone was unwise and caused some distress to the complainant, this did not rise to the level that would amount to a breach of the Code of Conduct.

## **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.

## **DECISION NOTICE: COMPLAINT DISMISSED**

### **Reference WC-ENQ096**

### **Subject Member**

Councillor Fred Westmoreland - Wiltshire Council

### **Complainant**

Jan McKernan

### **Review Sub-Committee**

Cllr Pip Ridout - Chairman

Cllr Dennis Drewett

Cllr Trevor Carbin

Mr John Scragg (non-voting, independent member of the Standards Committee)

### **Deputy Monitoring Officer**

Mr Paul Taylor

### **Independent Person**

Mr Stuart Middleton

### **Summary of the Complaint**

The complaint sets out headings for three alleged breaches under the headings Breach 1, Breach 2 and breach 3. Each separate breach involves allegations that cross over between one and the other but it would appear that the nub of complaint is the allegations that Councillor Westmoreland breached the Nolan principles set out in the Code of Conduct namely: -

1. That he declared his involvement on the Stonehenge Management Board and should have recused himself from participating in the discussions and vote on the issue.
2. That in the discussion he described another member's presentation "*I've never heard such a load of old tosh in all my life*" and "*That's enough bashing of English Heritage*".
3. That he referred to irrelevant issues (grain store silos planning application) and made incorrect statements ("rat running by locals").
4. That he, as chair, exhibited sexism in that he ignored a female member until all other members had spoken and then advised in response to a query about what the space between the existing coach park and proposed extended

coach park entailed *“this is the plan available and no variation can be discussed”*.

## **Decision**

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 and after hearing from the Independent Person, the Review Sub-Committee of the Standards Committee has decided:

- To dismiss the complaint.

## **Reasons for Decision**

The Sub-Committee was satisfied that the initial tests, which should be completed as part of the local assessment criteria, had been correctly undertaken. The Sub-Committee agreed that the complaint related to the conduct of a member, that the member was in office at the time of the alleged incident and that the Code of Conduct was in force at the relevant time.

The Sub-Committee relied upon the original complaint a, initial assessment and the additional information supplied in the complainant’s request for a review of that initial assessment.

As the request for review had only been in relation to point 4 above, that the subject member had exhibited sexism toward a female member of the committee, the Sub-Committee did not review the decision of the deputy monitoring officer in relation to the other alleged breaches of the Code of Conduct.

The Sub-Committee upheld the reasoning of the Deputy Monitoring Officer in the Initial Assessment that the alleged incident would not, if proved, be capable of breaching the Code of Conduct. There was insufficient evidence, in particular no comment or complaint from the alleged focus of the subject members’ behaviour, to proceed with further assessment of the complaint.

The Sub-Committee did however advise that the subject member, and all members, be more mindful of their responsibilities when chairing a meeting, to ensure that all committee members are treated equitably to avoid a possible perception of unfairness or bias.

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