

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

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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 a 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
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A3.11	Email from Clerk providing details of Tidworth Town Council Code of Conduct training, 5 October 2009	82
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None