

The Monitoring Officer,
Wiltshire Council,
Trowbridge,
Wilts
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,

A handwritten signature in black ink, appearing to be "D K Sherlock", written over a circular stamp.

D K Sherlock
Vice Chairman Tidworth Council

A1.2

10 June 2009

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

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

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 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: 01225 713078
Fax Number: 01225 718399
Email: nina.wilton@wiltshire.gov.uk





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.

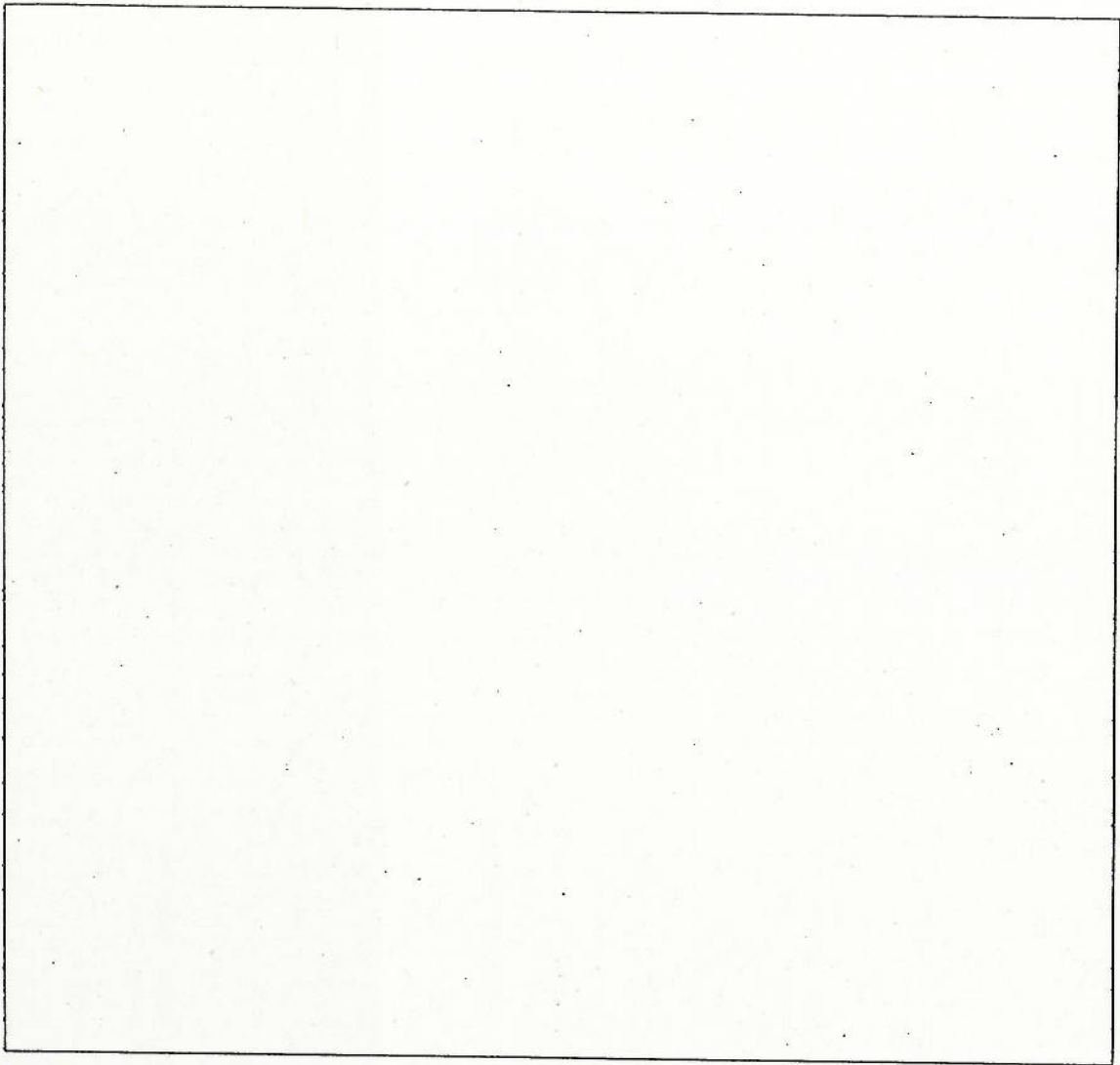
I believe he has broken section 3 (1) of the code of conduct, together with Section 5 Bringing his office and the authority into disrepute.

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.

**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 1

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—

(a) 2006 c.3.

- (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 EDVANS (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 [Signature] Date 15th May 2007

This declaration was made and signed before me,

Signed [Signature]

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 .
a member of TIDWORTH TOWN . COUNCIL
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".

COMPUTERS . P.A .

- 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.

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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: *PLAWS*
Date: *15th May 2007*

RECEIVED

Signed:
Monitoring Officer

Date:

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.....

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
 Bythesea Road
 Trowbridge
 Wiltshire BA14 8JN

Tel: 01225 718465
 Fax:01225 718399

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22/09/2009

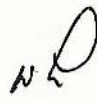
42

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.

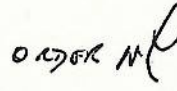
MP PARTNER *HAMBLIN A*
5. On 2nd June 2009 Councillor Lomas arrived slightly late for the meeting. He was seated next to Cllr Sherlock and two seats away from the Chairman.
6. Councillor Lomas advises that Councillor Franklin raised the issue of the voting procedures during the item on the minutes of 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 on to 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,

DRAFT

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. *ORDER*  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.

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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.....*N. Jones*.....

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 D.W.L.
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,
Bythesea Road,
Trowbridge,
Wiltshire
BA14 8JN

Your ref:
Our ref: MLWC24/09

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

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