

PRIVATE AND CONFIDENTIAL

Case Reference: WC 06/12

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 Roger Durie.

DATE: 9 August 2012

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1. Executive summary

- 1.1 On 23rd March 2012 the Monitoring Officer of Wiltshire Council received a complaint from Mrs Jan Thornton regarding the alleged conduct of Councillor Roger Durie, a member of Great Bedwyn Parish Council.
- 1.2 In summary, the allegation is that Councillor Durie failed to show respect to Mrs Durie by permitting a motion about the application of the Parish Council's Vexatious Complaints Policy to be taken as a part 1 item and by referring to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
- 1.3 On 17th April 2012 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 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 a breach of paragraphs 3(1) and 5 of the Code of Conduct.
- 1.6 Attached to this report is a schedule of evidence containing the documents referred to in it.

2 Councillor Durie's official details

- 2.1 Councillor Roger Durie has been a member of Great Bedwyn Parish Council for approximately ten years and he has been the Chairman of the Parish Council for the last two or three years.
- 2.2 Councillor Durie gave a written undertaking to observe the Code of Conduct on 27th May 2003 (Appendix B1.3, page 41).
- 2.3 Councillor Durie has not attended a formal training session on the Code of Conduct however he has read and is familiar with the Code of Conduct and other documentation provided by Standards for England.

3 The relevant legislation

- 3.1 Great Bedwyn Parish Council has adopted the Model Code of Conduct for Members in which the following paragraphs are included:

Paragraph 3(1) – Respect

- *You must treat others with respect*

Paragraph 5 – Disrepute

- *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:

Paragraph 3(1) - 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.

Paragraph 5 - Disrepute

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, Mrs Jan Thornton

- (Appendix B2.2, page 47)
- The subject member, Councillor Roger Durie
(Appendix B2.3, page 50)

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

- Councillor Durie's initial written response to the allegations dated 3 May 2012
(Appendix B2.1, page 46)
- Petition presented by Mrs Thornton to the Great Bedwyn Parish Council meeting on 8th December 2010
(Appendix 3.3, page 62)
- Great Bedwyn Parish Council's parking restriction proposal dated 17th December 2011
(Appendix B3.10, page 94)
- Great Bedwyn Parish Council's Vexatious Complaints Policy, adopted on 8th February 2012
(Appendix B3.11, page 95)
- Great Bedwyn Parish Council's Standing Orders, revised 11th January 2012
(Appendix B3.12, page 99)
- Extract from National Association of Local Councils Model Standing Orders for Local Councils
(Appendix B3.13, page 102)
- Article in the Wiltshire Gazette and Herald, 18th April 2012
(Appendix B3.14, page 107)
- Minutes of Great Bedwyn Parish Council meetings on:
 - 8th December 2010 (Appendix B3.3, page 62)
 - 12th January 2011 to 14th December 2011 (Appendix B3.4, page 70)
 - 11th January 2012 (Appendix B3.5, page 80)
 - 8th February 2012 (Appendix B3.6, page 83)
 - 14th March 2012 (Appendix B3.7, page 87)
 - 11th April 2012 (Appendix B3.8, page 90)
 - 9th May 2012 (Appendix B3.9, page 91)
- Correspondence between Mrs Thornton and Great Bedwyn Parish Council as follows:
 - Email from Councillor Durie to Mrs Thornton requesting a list of members of The Knapp Tenants' Association and minutes of all their monthly meetings since inception, 30th September 2011 (Appendix B3.15, page 109)
 - Letter from the Clerk to Mrs Thornton requesting a copy of the Constitution of The Knapp Tenants' Association and minutes of the last two meetings, 23rd January 2012 (Appendix B3.16, page 110)

- Email from Mrs Thornton to the Clerk providing an unsigned copy of the Constitution, 24th January 2012 (Appendix B3.17, page 111)
- Email acknowledgement and response from the Clerk, 24th January 2012 (Appendix B3.18, page 114)
- Email from the Clerk to Mrs Thornton requesting additional documentation, 30th January 2012 (Appendix B3.19, page 115)
- Email from Mrs Thornton to the Clerk seeking clarification about the requests for documentation, 3rd February 2012 (Appendix B3.20, page 116)
- Email from Mrs Thornton to the Clerk advising that further documentation would be provided shortly, 10th February 2012 (Appendix B3.21, page 119)
- Letter from the Clerk to Mrs Thornton advising her of the implementation of the Vexatious Complaints Policy, 28th March 2012 (Appendix B3.22, page 120)

5 The complaint

- 5.1 Mrs Thornton's complaint is set out in her complaint form received on 23rd March 2012 (Appendix B1.1, page 23).
- 5.2 Mrs Thornton's complaint contains a number of issues regarding the behaviour and actions of Councillor Durie. However, those aspects of the complaint that have been referred for investigation by the Assessment Sub-Committee are as follows:
- Councillor Durie's actions in permitting the Motion about the application of the Parish Council's Vexatious Complaints Policy to be taken as a part 1 item
 - Councillor Durie's alleged referral to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
- 5.3 On 26th March 2012 Mrs Thornton provided a copy of the minutes of the Great Bedwyn Parish Council meeting of 14th March 2012 together with a covering email (Appendix B1.1a, page 30).
- 5.4 On 30th March 2012 Mrs Thornton provided an email from [REDACTED] in support of her complaint (Appendix B1.1b, page 33).

6. The material facts

- 6.1 Councillor Durie is (and was at the relevant time) a member of Great Bedwyn Parish Council and as a member of the Council is subject to the Code of Conduct.
- 6.2 Mrs Thornton is the Secretary of The Knapp Tenants' Association. The Association was established by her in February 2010 as a result of

difficulties that residents in The Knapp, Great Bedwyn were experiencing with parking.

- 6.3 The Association has no committee members but there is a Chairman, Secretary and three Link Members. All 5 personnel have voting rights at monthly committee meetings and report issues back to the residents.
- 6.4 Residents of the 38 bungalows in The Knapp are automatically deemed to be members of The Knapp Tenants' Association unless they opt out.
- 6.5 On 8th December 2010 Mrs Thornton presented a petition and supporting documentation to Great Bedwyn Parish Council, regarding parking difficulties in The Knapp. The petition, which includes the signatures of 46 residents of The Knapp, is attached at Appendix B3.3 page 62, together with the minutes of the meeting.
- 6.6 Discussions regarding the parking difficulties in Great Bedwyn continued during 2011. Extracts from the minutes of Parish Council meetings held during 2011, relating to the parking issues at The Knapp, are attached at Appendix B3.4, page 70.
- 6.7 On 30th September 2011 Councillor Durie sent an email to Mrs Thornton requesting a list of the members of The Knapp Tenants' Association and the minutes of all the monthly meetings since inception (see Appendix B3.15, page 109).
- 6.8 The minutes of the Parish Council meeting on 12th October 2011 refer to an email response from The Knapp Tenants' Association indicating a need to edit the minutes prior to presentation to the Parish Council (see Appendix B3.4, page 77).
- 6.9 On 25th October 2011 Councillor Durie and Councillor Stuart Wheeler, Wiltshire Council member for Burbage and The Bedwyns, met with a representative of Sarsen Housing Association to discuss parking in The Knapp. This meeting is referred to by Councillor Durie in his interview with the Investigating Officer and it is also referred to in the minutes of the Parish Council meeting on 9th November 2011 (see Appendix B3.4, page 78).
- 6.10 Following this meeting on 25th October 2011, Councillor Durie undertook a day of visits to residents of The Knapp to gain their views, first hand, about the extent of the parking difficulties being experienced. He undertook this day of visits with Mrs Soellner of The Wiltshire Good Neighbour Scheme. Mrs Thornton refers to these visits by Councillor Durie in her email to Mr Brinsden dated 24th January 2012, in which she advises him of the need to redact confidential information from the minutes of the last two meetings of the Association, most of which relates to Mr Durie's visits to their homes.

- 6.11 On 17th December 2011 Great Bedwyn Parish Council drafted a proposal regarding parking restrictions in The Knapp which it put forward for consultation (see Appendix B3.10, page 94).
- 6.12 A meeting of Great Bedwyn Parish Council was held on 11th January 2012 at which the proposed parking restrictions in The Knapp were discussed. During the public discussion two members of the public, Karen Gardener and Kevin Challen, questioned the membership and validity of The Knapp Tenants' Association (see Appendix B3.5, page 80).
- 6.13 On 23rd January 2012 the Clerk to Great Bedwyn Parish Council, Mr Brinsden, wrote to Mrs Thornton requesting a copy of the Constitution of The Knapp Tenants' Association and the minutes of the Association's last two meetings (see Appendix B3.16, page 110).
- 6.14 On 24th January 2012 Mrs Thornton sent an email to Mr Brinsden responding to his request and enclosing an unsigned copy of the Constitution. She advised that a signed copy would be posted to Mr Brinsden together with the minutes of the last two meetings once the confidential information included in them had been redacted (see Appendix B3.17, page 111).
- 6.15 Mr Brinsden acknowledged receipt of the unsigned Constitution on 24th January 2012 and a copy of his email is attached at Appendix B3.18, page 114.
- 6.16 On 30th January 2012 Mr Brinsden sent a further email to Mrs Thornton advising her that the Parish Council had received additional correspondence from village residents seeking confirmation of the membership of The Knapp Tenants' Association. Mr Brinsden asked Mrs Thornton to provide signed documents to enable the Parish Council to confirm the validity of the Association. Specific documents requested were a signed copy of the Constitution, the minutes of the last two meetings, documents stating the number of The Knapp residents on whose behalf Mrs Thornton is acting and a statement to confirm that all residents of The Knapp have been made aware of the new parking proposals (see Appendix B3.19, page 115).
- 6.17 Mrs Thornton responded to Mr Brinsden's email on 3rd February 2012, commenting on whether documentary evidence was requested from all groups and associations with which the Parish Council interacts (see Appendix B3.20, page 116).
- 6.18 A meeting of Great Bedwyn Parish Council was held on 8th February 2012 at which the parking proposals were again discussed. At this meeting the Parish Council adopted complaints policies, including a Vexatious Complaints Policy (minutes attached at Appendix B3.6, page 83).

- 6.19 Great Bedwyn Parish Council's Vexatious Complaints Policy is attached at Appendix B3.11, page 95.
- 6.20 On 10th February 2012 Mrs Thornton advised Mr Brinsden by email that the amendments to remove confidential information from the Tenants' Association's minutes had now been made and that these would be forwarded to the Parish Council, together with a signed copy of the Constitution, after the next meeting of the Association (see Appendix B3.21, page 119).
- 6.21 Mrs Thornton did not provide Great Bedwyn Parish Council with a signed copy of the Constitution or the minutes of the last two meetings. Neither did she provide details of the names of its members. Mrs Thornton explains that the Tenants' Association's refusal to provide this information is based on the grounds that the names of its members is confidential information and that no other organisation or group the Parish Council interacts with is required to submit this information.
- 6.22 Great Bedwyn Parish Council does not usually ask an association for documentation such as that requested from The Knapp Tenants' Association.
- 6.23 The next meeting of Great Bedwyn Parish Council was held on 14th March 2012. At this meeting, during matters arising, Councillor Raff proposed a Motion to identify Mrs Thornton and The Knapp Tenants' Association as vexatious and to inform Mrs Thornton of this decision in accordance with the Council's Vexatious Complaints Policy. The motion was carried with seven votes, and one abstention (see Appendix B3.7, page 87).
- 6.24 The Motion was taken as a Part 1 agenda item and the press and public had not been excluded from the meeting.
- 6.25 During the discussion of the proposed Motion Councillor Durie referred to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
- 6.26 There is a discrepancy between the evidence of Mrs Thornton and Councillor Durie about how many members of the public were present at the meeting on 14th March 2012. Mrs Thornton advises that there were approximately 40 members of the public present at the meeting, including one member of the press. Councillor Durie states that there were over 30 members of the public in attendance at the start of the meeting but that at the time the Motion was proposed by Councillor Raff less than 20 of these remained at the meeting. He confirms that a member of the press, Val Compton, does sometimes attend Parish Council meetings but he cannot recall whether she was present at this particular meeting.

- 6.27 The minutes of the meeting refer to there being over 30 people present at the meeting and I have no reason to doubt the accuracy of the minutes which were prepared by the Clerk. I am unable to conclude, however, how many of these people were still present at the meeting when the Motion was proposed by Councillor Raff under matters arising. It is suggested by Councillor Durie that less than 20 remained but this cannot be supported by documentary evidence as it is not recorded in the minutes. It is fair to assume, however, that a considerable number of people were still present at the meeting when the Motion was proposed because the matters arising began with a discussion about traffic items and followed immediately on from the public discussion. With regard to the attendance of a member of the press at the meeting, Councillor Durie confirms that Ms Compton does sometimes attend Parish Council meetings and there is no evidence to dispute that of Mrs Thornton that Ms Compton was present on 14th March.
- 6.28 There is also a discrepancy about the manner in which Councillor Durie made his reference to 'purported'. Mrs Thornton states that it was said in such a way, and with such a tone of voice, that was disrespectful. Councillor Durie states that his reference to 'purported' was made as an off the cuff comment. He cannot remember in what tone he used the expression but he confirms that it was said as a statement and not in a particularly derogatory manner.
- 6.29 I have no evidence to confirm the exact manner in which Councillor Durie used the expression 'purported'. Councillor Durie advises that it was said as a statement and, given the lack of evidence provided by Mrs Thornton to the Parish Council to confirm membership of The Knapp Tenants' Association, I accept that it was indeed intended by Councillor Durie as a statement. A number of questions had been raised in Parish Council meetings questioning the validity of the Association and I accept that Councillor Durie's statement was a way of emphasising this public and Parish Council opinion. However, in view of the history of correspondence between Mrs Thornton and the Parish Council, I accept that the use of the word 'purported' would appear to Mrs Thornton to be a derogatory statement.
- 6.30 On 28th March 2012 the Parish Council sent a letter to Mrs Thornton confirming the passing of the Motion and advising her of the implementation of the Vexatious Complaints Policy (see Appendix B3.22, page 120).
- 6.31 A meeting of Great Bedwyn Parish Council was held on 11th April 2012. A post meeting note was added to the minutes regarding the request for documentation from Mrs Thornton concerning The Knapp Tenants' Association (see Appendix B3.8, page 90).
- 6.32 The next meeting of Great Bedwyn Parish Council was held on 9th May 2012. At this meeting the implementation of the Vexatious Complaints

Policy in respect of Mrs Thornton was discussed as a confidential item on the agenda.

- 6.33 On 9th May 2012 Mrs Thornton provided the Investigating Officer with a signed copy of The Knapp Tenants' Association's Constitution. It is signed by the Chairman, the Secretary and the three Link Members.
- 6.34 Minutes of Great Bedwyn Parish Council meetings are displayed on two village notice boards and they are available to view and download via the online parish document store. They are also included in the Parish News magazine but not always in their entirety.
- 6.35 In her complaint Mrs Thornton alleges that Councillor Durie has repeatedly made reference to the 'purported' Knapp Tenants' Association over a period of months at public meetings. Councillor Durie states that he has used this expression in only one meeting, on 14th March 2012, and in one letter, that which was sent to Mrs Thornton following the meeting on 14th March 2012.
- 6.36 There is no documentary evidence to support the allegation made by Mrs Thornton that Councillor Durie has used the word 'purported' over a period of months in public meetings. The minutes of Parish Council meetings do not reflect the use of this expression. Additionally, Mrs Thornton submitted her complaint on 23rd March 2012 in response to the actions of Councillor Durie at the Parish Council meeting on 14th March 2012, one element of her complaint being Councillor Durie's use of 'purported'. I therefore accept that Councillor Durie used the word 'purported' only in the meeting that was held on 14th March 2012. The word was, however, repeated in the minutes of the meeting and in the letter sent to Mrs Thornton on 28th March 2012 advising her of the implementation of the Vexatious Complaints Policy.

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

7.1 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*

7.2 In his role as Chairman of Great Bedwyn Parish Council there is no doubt that Councillor Durie was conducting the business of the

authority to which he was elected with regard to the issues raised by Mrs Thornton. In this capacity he is therefore required to comply with the Code of Conduct.

7.3 It is alleged that Councillor Durie has failed to comply with the following paragraph of the Code of Conduct:

- *You must treat others with respect*

7.4 I will look first at Councillor Durie's referral to The Knapp Tenants' Association as 'purported'.

7.5 It is clear from the evidence gathered during the investigation that the Parish Council had some concerns over the extent of Mrs Thornton's representation of the residents of The Knapp for some time. A request for documentary evidence regarding the membership of the Association was first sent to Mrs Thornton on 30th September 2011 and this was followed up with further requests in January 2012. Despite numerous requests the evidence requested by the Parish Council was never received, except for an unsigned copy of the Constitution of The Knapp Tenants' Association's which was provided by Mrs Thornton on 24th January 2012.

7.6 Parking difficulties in The Knapp are clearly an emotive issue in Great Bedwyn, featuring largely in Parish Council business during the whole of 2011 and into 2012. Meetings were held with Network Rail and Wiltshire Council's Highways Department and the minutes of the Parish Council meeting on 11th May 2011 reflect that the parking difficulties had been discussed at a Pewsey Area Board meeting. The Bedwyn Train Passengers Group have made a number of representations to the Parish Council and the public discussion sessions at Parish Council meetings have attracted a number of speakers on the subject.

7.7 At a Parish Council meeting on 8 June 2011 the Bedwyn Train Passengers Group stated that The Knapp Tenants' Association's statement of the parking problem differs from their own observations and enquiries. At the Parish Council meeting on 11th January 2012 one member of the public, Karen Gardener, queried the membership and validity of The Knapp Tenants' Association stating that she had not seen any published documentation. Another member of the public, Kevin Challen, questioned the details of The Knapp Tenants' Association.

7.8 In October 2011 Councillor Durie himself visited residents of The Knapp in order to verify the extent of the parking difficulties, visits which are referred to by Mrs Thornton in her email to the Clerk on 24th January 2012.

7.9 Additional correspondence was received from local residents questioning the membership of the Association and these are referred

to by the Clerk, Mr Brinsden, in his email to Mrs Thornton of 30th January 2012.

- 7.10 Mrs Thornton has stated that the requested information has not been provided because of confidentiality issues. The Knapp Tenants' Association is not registerable under the Data Protection Act 1998. It is prudent in respect of confidentiality issues to redact personal signatures from documents once any personal information has been redacted from documentation such as minutes of meetings there is no reason why these could not have been provided to the Parish Council.
- 7.11 Under the circumstances, I find it perfectly understandable for Councillor Durie to refer to the 'purported' Knapp Tenants' Association. Mrs Thornton's evidence is that it is always she who attends meetings on behalf of the Association. The Parish Council had seen no documentation to verify its membership, nor had they been provided with confirmation of what had been discussed at the monthly committee meetings. It was clearly not only just the Parish Council who were questioning the validity of the Association and the extent that it represents the residents of The Knapp. It is true that Mrs Thornton had provided signatures of residents of The Knapp with her petition to the Parish Council on 8th December 2010 but these were the signatures of residents, not signatures of the Tenants' Association. Whilst I accept that all residents of The Knapp are treated as members of The Knapp Tenants' Association unless they opt out, their signatures were not expressly obtained as belonging to the Association.
- 7.12 Standards for England guidance refers to a need for members to treat the public courteously and with consideration, stating that rude and offensive behaviour lowers the public's confidence in its elected representatives. I do not consider Councillor Durie's behaviour to be rude or offensive and I have made a finding earlier in my report that he made the comment merely as a statement. I consider this to be a reasonable statement to make under the circumstances, given that the requested documents had not been forthcoming, and I do not accept that it amounts to a failure to treat Mrs Thornton courteously or without due consideration.
- 7.13 I therefore find that Councillor Durie's reference to the 'purported' Knapp Tenants Association does not breach paragraph 3(1) of the Code of Conduct.
- 7.14 I will look next at Councillor Durie's actions in permitting the Motion about the application of the Council's Vexatious Complaints Policy to be taken as a part 1 item.
- 7.15 Great Bedwyn Parish Council adopted a Vexatious Complaints Policy at its meeting on 8th February 2012. The implementation of this policy in respect of Mrs Thornton is not under investigation but the procedures

contained within the policy which detail how it should be implemented are relevant.

- 7.16 Paragraph 4.2 of the Policy states 'in the first instance the Clerk will consult with the Chairman of the Council prior to issuing a warning to the complainant'. The Motion that was proposed and agreed at the meeting on 14th March 2012 was used by the Parish Council as the catalyst for issuing the warning letter to Mrs Thornton.
- 7.17 The fact that the Motion was taken as a Part 1 item, with a considerable number of the public and a member of the press present at the meeting, is not what was intended by the policy which suggests that a private consultation between the Clerk and the Chairman should be undertaken.
- 7.18 I believe that the fact that the implementation of the Vexatious Complaints Policy was undertaken in the public arena shows a lack of respect for Mrs Thornton. As I have referred to earlier, public feeling with regard to parking issues in The Knapp was running high and to publicly declare Mrs Thornton as vexatious in respect of her correspondence about parking in The Knapp was understandably humiliating for her.
- 7.19 In addition, the minutes of the meeting which contain details of the Motion are widely publicised on the internet, on two parish notice boards and in the Parish News magazine.
- 7.20 I consider the implementation of the Vexatious Complaints Policy in the public arena to be an unreasonable and excessive personal attack on Mrs Thornton as referred to in Standards for England guidance. In his initial response to the complaint Councillor Durie refers to the fact that Mrs Thornton is quoted in the Gazette and Herald as saying that the Council had tried to gag her. It is noted, however, that this article is dated 18th April 2012, one month after the decision to make her vexatious had already been placed in the public domain. Whether Mrs Thornton would have been quoted in the press if the Vexatious Complaints Policy had been implemented in a less public manner is uncertain. However, in the article Councillor Durie confirms the Parish Council's decision to make Mrs Thornton vexatious, thereby doing nothing to limit the inflamed situation.
- 7.21 Standards for England guidance also states that 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. Naming Mrs Thornton in a public meeting does not, in my opinion, amount to treating her with courtesy or consideration.

- 7.22 I therefore conclude that by permitting the Motion to be taken as a part 1 item Councillor Durie has breached paragraph 3(1) of the Code of Conduct.
- 7.23 It is also alleged that Councillor Durie has failed to comply with the following paragraph of the Code of Conduct:
- *5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.*
- 7.24 I will look first at Councillor Durie's reference to the 'purported' Knapp Tenants' Association.
- 7.25 Standards for England guidance refers to disrepute being defined, in general terms, as a lack of good reputation or respectability. It goes on to say that a member's behaviour will bring that member's office into disrepute if it reduces the public's confidence in that member being able to fulfil their role.
- 7.26 I do not consider that by using the term 'purported' Councillor Durie has reduced the public's confidence in him being able to fulfil his role. His comment was made in respect of one individual association and was, in many respects, a reflection of some of the public opinion being expressed at Parish Council meetings.
- 7.27 Standards for England guidance refers to a member bringing his authority into disrepute by engaging in dishonest and deceitful behaviour. There is nothing to suggest that Councillor Durie was dishonest or deceitful when he made reference to the purported Tenants Association. In fact, quite the opposite, as his comment was made in a public meeting and was therefore available in the public minutes.
- 7.28 I therefore do not find that by his reference to 'purported' Councillor Durie has brought either his office or authority into disrepute in breach of paragraph 5 of the Code of Conduct.
- 7.29 I will now turn to the taking of the Motion to make Mrs Thornton vexatious as a Part 1 item. In his evidence Councillor Durie confirms that Councillor Raff had done a lot of research in respect of the Vexatious Complaints Policy and that he was keen to put it into practice. Regardless of the desire to utilise the policy Councillor Durie should have taken the necessary steps to implement it in accordance with the procedures contained within it. By not doing so, I believe that his actions could reasonably be regarded as reducing the public's confidence in him being able to fulfil his role. It could also be reasonably regarded as affecting the reputation of members generally.

- 7.30 Standards for England guidance states that conduct by a member which could reasonably be regarded as reducing public confidence in the authority being able to fulfil its functions and duties will bring the authority into disrepute. Members of the public will have noted that the Council introduced a Vexatious Complaints Policy on 8th February 2012. At the following Parish Council meeting the policy was implemented in respect of Mrs Thornton. The manner in which the Parish Council implemented this policy could, in my opinion, reasonably be regarded as reducing the public's confidence in the authority being able to properly fulfil its functions.
- 7.31 Councillor Durie confirms in his evidence that he did not exclude the press and public from the meeting because the Motion was proposed during matters arising and not as a formal agenda item. He states that he was not aware that the public can be excluded from a meeting at the drop of a hat for an item that is not included on the agenda.
- 7.32 Great Bedwyn Parish Council's Standing Orders are silent on the issue of excluding the press and public from a meeting. However, they do refer to the National Association of Local Council's (NALC) Standing Orders for reference to anything that is not covered by the Parish Council's own Standing Orders. NALC Standing Orders are very clear on when a motion can be proposed at a meeting and state that no motion may be moved at a meeting unless it is included in the agenda and the mover has given written notice of its wording to the Council's Proper Officer. A list of exclusions to this requirement is provided in the Standing Orders however these do not cover the motion that was proposed by Councillor Raff.
- 7.33 Councillor Durie should not have allowed the motion to make Mrs Thornton vexatious to be proposed and agreed at the meeting on 14th March 2012. By doing so he was in contradiction of the NALC Standing Orders.
- 7.34 For the above reasons I find that by taking the Motion as a Part 1 item Councillor Durie has brought both his office and authority into disrepute in breach of paragraph 5 of the Code of Conduct.

8 Finding

- 8.1 Parking issues in Great Bedwyn are clearly a matter of great interest for a large section of the community and generate a lot of interest from the public. Dealing with the matter has obviously proven to be very resource intensive for the Parish Council. Whatever the Council's reasons for introducing and applying the Vexatious Complaints Policy there is clearly a procedure to be followed.
- 8.2 I have considered all the evidence gathered during the investigation and the specific requirements of the Code of Conduct.

- 8.3 The finding of the Investigating Officer is that Councillor Durie's actions in allowing the Vexatious Complaints Policy to be implemented as a Part 1 agenda item in a public meeting, contrary to Standing Orders, has failed to treat Mrs Thornton with respect and has brought both his office and authority into disrepute in breach of paragraphs 3(1) and 5 of the Code of Conduct.
- 8.4 Whilst it is considered that Councillor Durie's reference to the 'purported' Knapp Tenants' Association was unwise, the Investigating Officer does not find that this element of the complaint has breached either paragraphs 3(1) or 5 of the Code of Conduct.

Appendix A

Schedule of findings of fact

Case No: WC 06/12

1.	Councillor Durie was at the relevant time a member of Great Bedwyn Parish Council.
2.	Mrs Thornton is the Secretary of The Knapp Tenants' Association.
3.	The Knapp Tenants' Association was established by Mrs Thornton in February 2010 as a result of parking difficulties.
4.	The Association has no committee members but there is a Chairman, Secretary and three Link Members. All 5 personnel have voting rights at monthly committee meetings and report issues back to the residents.
5.	Residents of the 38 bungalows in The Knapp are automatically deemed to be members of the Association unless they opt out.
6.	On 8 th December 2010 Mrs Thornton presented a petition and supporting documentation to a meeting of the Parish Council. The petition included the signatures of 46 residents of The Knapp.
7.	Discussions regarding the parking difficulties in Great Bedwyn continued at Parish Council meetings during 2011.
8.	On 30 th September 2011 Councillor Durie sent an email to Mrs Thornton requesting a list of the members of The Knapp Tenants' Association and the minutes of all the monthly meetings since inception.
9.	The minutes of the Parish Council meeting on 12 th October 2011 refer to an email response from The Knapp Tenants' Association indicating a need to edit the minutes prior to presentation to the Parish Council
10.	On 25 th October 2011 Councillor Durie and Councillor Stuart Wheeler met with a representative of Sarsen Housing Association to discuss parking in The Knapp.
11.	Following the meeting on 25 th October 2011 Councillor Durie visited residents in The Knapp to gain their views about the extent of the parking difficulties being experienced.
12.	On 17 th December 2011 Great Bedwyn Parish Council drafted a proposal regarding parking restrictions in The Knapp which it put forward for consultation.
13.	The proposal was discussed at a meeting of the Parish Council on 11 th January 2012. At the meeting two members of the public questioned the membership and validity of The Knapp Tenants' Association.
14.	On 23 rd January 2012 the Clerk, Mr Brinsden, wrote to Mrs Thornton requesting a copy of The Knapp Tenants' Associations' Constitution and copies of the minutes of the last two meetings.

15.	On 24 th January 2012 Mrs Thornton provided an unsigned copy of the Constitution. She advised that a signed copy would be provided with the minutes of the last two meetings once the confidential information included in them had been redacted.
16.	Mr Brinsden acknowledged receipt of the unsigned Constitution on 24 th January 2012.
17.	On 30 th January 2012 Mr Brinsden advised Mrs Thornton that additional correspondence had been received from residents seeking confirmation of the membership of the Association. He repeated his earlier request for documentation and also asked for documentary evidence of the number of residents on whose behalf Mrs Thornton was acting and a statement to confirm that all residents of The Knapp had been made aware of the new parking proposals.
18.	Mrs Thornton responded on 3 rd February 2012 commenting on whether such documentary evidence was requested from other groups and associations.
19.	On 8 th February 2012 Great Bedwyn Parish Council adopted a Vexatious Complaints Policy.
20.	On 10 th February 2012 Mrs Thornton advised Mr Brinsden that the minutes of the last two meetings, and a signed copy of the Constitution, would be provided after the next Tenants' Association meeting.
21.	Mrs Thornton did not provide the Parish Council with the signed Constitution, minutes of the last two meetings or any other documentation concerning the membership of the Association.
22.	Mrs Thornton's refusal to provide this information is based on the grounds that the names of the members of the Association are confidential and no other organisation or group with which the Parish Council interacts is required to submit this information.
23.	Great Bedwyn Parish Council does not usually ask an association for documentation such as that requested from The Knapp Tenants' Association.
24.	At the Parish Council meeting on 14 th March 2012 Councillor Raff proposed a Motion to identify Mrs Thornton and The Knapp Tenants' Association as vexatious and to inform Mrs Thornton of this decision in accordance with the Council's Vexatious Complaints Policy.
25.	The Motion was taken as a Part 1 agenda item and the press and public had not been excluded from the meeting.
26.	The Motion was carried with seven votes and one abstention.
27.	During the discussion of the proposed Motion Councillor Durie referred to The Knapp Tenants' Association as the 'purported' Knapp Tenants' Association.
28.	Over 30 people attended the Parish Council meeting on 14 th March 2012. A considerable number of people were still present at the meeting when the Motion was proposed and discussed, including a member of the press, Val Compton.
29.	Councillor Durie's use of the expression 'purported' was intended by him as a statement. This would appear to Mrs Thornton to be a derogatory statement.

30.	On 28 th March 2012 the Parish Council sent a letter to Mrs Thornton confirming the passing of the Motion and advising her of the implementation of the Vexatious Complaints Policy
31.	At the Parish Council meeting on 11 th April 2012 a post meeting note was added to the minutes regarding the request for documentation from Mrs Thornton.
32.	At the Parish Council meeting on 9 th May 2012 the implementation of the Vexatious Complaints Policy in respect of Mrs Thornton was discussed as a confidential item on the agenda.
33.	Minutes of Great Bedwyn Parish Council meetings are displayed on two village notice boards and they are available to view and download via the online parish document store. They are also included in the Parish News magazine but not always in their entirety.
34.	Councillor Durie used the expression 'purported' in only one Parish Council meeting. The expression was repeated in the minutes of the meeting and in the letter to Mrs Thornton advising her of the implementation of the Vexatious Complaints Policy.

Appendix B

Schedule of evidence taken into account

Case No: WC 06/12

Core documents

Doc No	Description	Pages
B1.1	Complaint form submitted by Mrs Thornton on 23 March 2012	23-29
B1.1a	Supplementary email from Mrs Thornton, enclosing a copy of the minutes of the Parish Council meeting on 14 March 2012, dated 26 March 2012	30-32
B1.1b	Email from [REDACTED] provided by Mrs Thornton in support of her complaint on 30 March 2012	33-34
B1.2	Model Code of Conduct adopted by Great Bedwyn Parish Council	35-40
B1.3	Declaration of Acceptance of Office of Councillor Durie dated 27 May 2003	41
B1.4	Register of Members' Interests of Councillor Durie dated 3 May 2011	42-45

Notes of telephone conversations, letters, and interviews with witnesses

Doc No	Description	Pages
B2.1	Councillor Durie's initial written response to the allegations, 3 May 2012	46
B2.2	Record of interview with Mrs Thornton, 8 May 2012	47-49
B2.3	Record of interview with Councillor Durie, 22 May 2012	50-56

Minutes of meetings and other documentary evidence

Doc No	Description	Pages
B3.1	Decision notice of Standards Assessment Sub-Committee, 17 April 2012	57-59
B3.2	Letter from Monitoring Officer appointing Investigating Officer, 19 April 2012	60-61
B3.3	Extract of minutes of Great Bedwyn Parish Council meeting, 8 December 2010 and petition presented to the meeting by Mrs Thornton	62-69
B3.4	Extract of minutes of Great Bedwyn Parish Council meetings, 12 January 2011 to 14 December 2011	70-79
B3.5	Extract of minutes of Great Bedwyn Parish Council meeting, 11 January 2012	80-82
B3.6	Extract of minutes of Great Bedwyn Parish Council meeting, 8 February 2012	83-86

B3.7	Extract of minutes of Great Bedwyn Parish Council meeting, 14 March 2012	87-89
B3.8	Extract of minutes of Great Bedwyn Parish Council meeting, 11 April 2012	90
B3.9	Minutes of Great Bedwyn Parish Council meeting, 9 May 2012	91-93
B3.10	Great Bedwyn Parish Council's parking restriction proposal, 17 December 2011	94
B3.11	Great Bedwyn Parish Council's Vexatious Complaints Policy, adopted 8 February 2012	95-98
B3.12	Great Bedwyn Parish Council's Standing Orders, revised 11 January 2012	99-101
B3.13	Extract from National Association of Local Councils Model Standing Orders for Local Councils	102-106
B3.14	Article in the Wiltshire Gazette and Herald, 18 April 2012	107-108
B3.15	Email from the Parish Council to Mrs Thornton requesting a list of members and minutes of monthly meetings in respect of The Knapp Tenants' Association, 30 September 2011	109
B3.16	Letter from the Parish Council to Mrs Thornton requesting a copy of the Constitution and minutes of the last two meetings, 23 January 2012	110
B3.17	Email from Mrs Thornton providing an unsigned copy of the Constitution, 24 January 2012	111-113
B3.18	Email from the Parish Council to Mrs Thornton acknowledging receipt of the Constitution, 24 January 2012	114
B3.19	Email from the Parish Council to Mrs Thornton requesting additional information, 30 January 2012	115
B3.20	Email from Mrs Thornton seeking clarification about the requests for information, 3 February 2012	116-118
B3.21	Email from Mrs Thornton advising that additional documentation would be provided shortly, 10 February 2012	119
B3.22	Letter to Mrs Thornton advising her of the implementation of the Vexatious Complaints Policy, 28 March 2012	120-121

List of unused materials

None

B1.1

Complaint Form – Members’ Code of Conduct

WC-06/12

Your details

1. Please provide us with your name and contact details

Title	Mrs
First name	Jan
Last name	Thornton
Address	[REDACTED]
Daytime telephone	[REDACTED]
Evening telephone	[REDACTED]
Mobile	
e-mail address	[REDACTED]

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	
An independent member of the Standards Committee	
Member of Parliament	
Monitoring Officer	
Other council/local authority employee	
Other (please specify)	Secretary of The Knapp Tenants Association

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
[REDACTED]	[REDACTED]	[REDACTED]
Roger	Durie Chairman	Great Bedwyn Parish Council

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.

Parish Council meeting 14th March 2012.

Councillor Raff requested to pass a motion. He stated that he wished to apply the Vexatious Complaints Policy to Mrs Jan Thornton, due to the excess of correspondence in particular from last summer.

Mr Durie asked if anyone would second this.

The motion was seconded by Karina Nicholson and passed by a show of hands supporting the motion. Mr Durie did not ask for the against until prompted by a member of the public.

Mr Durie then said aloud that Mrs Jan Thornton of the purported Knapp Tenants Association would no longer be allowed to contact the Parish Council, Wiltshire Council, Caroline Brailey of The Area Board or Claire Perry MP. Mrs Jan Thornton would not be allowed to request information under the Freedom of Information Act. That She would be notified by letter.

There were approx. 40 members of public present.

I was mortified, it was one of the most embarrassing moments I have ever experienced. In the following days this has turned to anger and frustration. It is unacceptable that every time Mr Durie refers to The Knapp Tenants Association he makes the remark 'the purported Knapp Tenants Association'. The Knapp Tenants Association has been in existence since February 2011. We have at present 49 members. We represent the bungalows of The Knapp, we are all Elderly and or Disabled. Our Association has a Constitution. Complaints Policy which has an independent arbiter. Aims and objectives. We have five link members and our work is guided by the Care standards. Confidentiality, dignity, respect, to be pro active in inclusion, equality, fair representation and to support members stay connected to others within our community. The Parish Council has repeatedly requested the names of our members, which I am unable to give with respect to their confidentiality. I am also unable to forward the minutes of our meetings as requested, our Link Members have voted against forwarding this information. The basis of our refusal is that no other organisation or group the Parish Council interacts with is required to submit their members names and minutes. We consider their requests to be prejudicial and to constitute victimisation.

The Bedwyn Parish Vexatious Policy commenced in the week of the 13th to 18th February 2012. It was amended on Thursday 15th March 2012, the day after the meeting. It would therefore be improper for this policy to be applied to periods prior to it's existence. It is also unethical to make any changes to a policy that is being 'applied'.

During the period 13th February 2012 and 14th March 2012 I have written just

three emails. All from The Knapp Tenants Association of which I am the Secretary.

13th Feb. 2012 Correction regarding the Parish Minutes

24th Feb. 2012 Seeking clarification on rejection of proposal

11th March 2012 Response to a request made by the PC.

There were a number of other correspondence listed under correspondence received, but these pre date the February meeting.

Principle 3d, Mr Durie compromises the impartiality of those he works with by his constant derogatory remark regarding the 'purported Knapp Tenants Association'. Mr Durie has repeatedly made this reference over a period of months at public meetings. His behaviour is seen to be acceptable and repeated by others members of the Council and public. This has not promoted inclusion or equality.

Mr Durie is in breach of principle no. 4. He is accountable for his actions and to carry out the responsibilities of his position. He has clearly not done this. He is not leading by a professional manner, he encourages discrimination by his repeated comments of the 'purported Knapp Tenants Association'. He made no attempt to correct Jim Raff or guide him to the correct procedure required. Mr Durie then proceeded to follow through with the inappropriate seconding of motion, and making a public announcement that was not only humiliating to myself, it was clearly not appropriate procedure for the Policy it was aiming to initiate.

I believe that Mr Durie has shown a complete lack of respect for myself and the Association I represent. Section 7 of the Regulations state that he should promote equality not discriminating unlawfully against any person. Yet he makes a point at every opportunity to discredit our Association by referring to us as 'The Purported Knapp Tenants Association'. The Parish Council have never asked ONCE in sixteen months how the parking problems impact on the lives of the elderly and disabled who live at The Knapp. The Parish Council often fails to respond to correspondence in full, if at all. The Knapp Tenants Association repeatedly challenge the minutes of the meetings as being inaccurate, misrepresentational and misleading. We have asked for changes to be made at the start of meetings as advised by the Governance Office and we are just ignored. The Parish Council appears to accept that it is appropriate for minutes of meetings to be changed after being approved and signed off, in one instance we have seen 6 changes to the wording of one document, yet this has never been accounted for at meetings. Mr Brinsden the Parish Clerk has admitted that he cherry picks information for the minutes. This is clearly unhelpful in allowing the public a clear insight to the activities of the Parish Council and the issues it addressess. Mr Durie is not promoting equality, his action and views are openly alienating the most vulnerable community which he is supposed to represent.

Mr Durie has asked repeatedly for the names of our members, which I can not give due to confidentiality, he has asked for minutes of our meetings, which our members voted against providing. I have explained this at great length at the meetings and by email, yet he persists in failing to appreciate our situation.

We have asked for all letters of objection to the proposal for The Knapp as prepared by Wiltshire Council Highways, we think these objections will give a clear indication as to the failings of Mr Durie's Leadership. After 16 months of discussion with the Parish Council the level of accurate information that has been made openly available to the public is so limited, that the objections will support not only the lack of information, but will confirm that the attitude of Mr Durie towards the Tenant Association has been unfair, prejudicial and discriminatory.

The general Principle no. 8 Duty to uphold the Law, to act in accordance with the trust that the public is entitled to place in them. Mr Durie has clearly shown that he does not understand the policies and procedures, the very Policies and Procedures his Council expects to work with, this does not give us any reason to trust his decision making and leadership skills if he can not correctly apply the rules he has approved, but expects the public/us to abide to. Mr Durie shows no understanding of the Equality Act, what constitutes victimisation and how to include the most vulnerable members of his parish.

Principle no. 10 Leadership by Example. Mr Durie's leadership, his leading by example is inappropriate. His constant derogatory referral to our organisation, his leading by example in the way he lacks knowledge of his own Policies is unacceptable and the way he publically humiliated a member of public at a full meeting was not only unacceptable it constitutes intimidation and gross misconduct. This is not leading by professional and responsible conduct. It is certainly not securing or preserving public confidence. He has not worked to include equally all groups within the community, his actions and attitude has become the 'norm' amongst the other Councillors and members of the Public, he is leading by example, but the wrong example! He has not promoted equality or inclusion. Mr Durie is accountable for his actions. Mr Durie list of the names of people and organisations that I/we are not permitted to contact. In doing this he has denied us our Human Rights.

Having read the Vexatious Complaints Policy the list of exclusions includes any third party acting on our behalf and legal representation, this extension further enforces deprivation of our human Rights. It is unacceptable for any Public Body to subject the community which it serves to such draconian and illegal rulings.

After many months of attempting to interact with the Parish Council we no longer have any faith in their ability to act without prejudice, or contempt, to include all members of the community they serve.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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.

Browne, Anna

From: jan thornton [REDACTED]
Sent: 26 March 2012 07:39
To: Browne, Anna
Subject: Formal Complaint Great Bedwyn PC
Attachments: March 2012 017.JPG; March 2012 018.JPG

B1.1a

Good morning Anna,

i have attached two photo's taken of the Parish minutes which were placed on the Parish notice board Saturday morning.

I can not look at them, the very thought of it makes me feel physically sick. But i have been advised to forward them to you so that they can be included in the formal complaint against Roger Durie.

I wish to point out that i have still not received any notification from the Parish Council regarding their complaint against me. I should also point out that by silencing me they have silenced 49 of the most vulnerable people in their community, i am the Secretary of The Knapp Tenants Association.

We have tried to explain to them why we can not forward information to them about the tenants, yet they seem to think we are just like any other people in the village. I can not and will not break the laws regarding Confidentiality and Data Protection.

Being persecuted for defending the most vulnerable people in our community is very unpleasant. There is a reason that we live here in sheltered housing, for us it was my Husbands metal health which has been an issue for some years. This level of victimisation against me is now impacting on my husband. After sixteen months trying to resolve the problems we experience here it has brought us to breaking point. Our Chairman resigned because the strain made her ill. The last link member to go to a meeting ended up in Hospital the day after the meeting due to the stress, the other two link members have said that they will never go again because it is such an unpleasant and pointless experience. It leaves only me to go to the meetings, 'last man standing'. We all live here in The Knapp for a reason, that we need supported housing. We are unable to live without support. We have tried so many times to explain this to the PC.

Regards
jan Thornton

This email has been scanned by the Symantec Email Security.cloud service.
For more information please visit <http://www.symanteccloud.com>

**Draft Minutes of the Parish Council meeting held in the Village Hall on
Wednesday 14th March 2013**

Present: Chris Roger Durr (Chairman), Jason Clark, Jen Ball, Steve Hutson, Lesley Nicholson, Tom Mathews, Alex Gibbons and Robert Burton, Jean Sue Burdage and the Rodwys, Cabinet member for
Countryside Development and Culture, Stuart Wheeler, Fe Teresa Herbert and over 30 members of the public.

Apologies: Chris Gordon Stone, Charles Howell and Paul Knowler.

Minutes: The minutes of the February monthly meeting were approved, and signed.

Declaration of Interests: Councillors were invited to declare any interest in items on the Agenda. There were no declarations of interest.

Public Discussion:

- Ruth Francis handed to the Chairman 2 further sheets of her petition comprising 33 signatures, objecting to the proposed introduction of yellow lines. (Total number of signatures 253)

- Professor Cohen-Jedry stated that the distribution of leaflets to residents of The Knapp was unacceptable threatening behavior, and were delivered to vulnerable residents.

The leaflets were referring to the proposed parking restrictions in The Knapp.

- Ruth Francis responded by saying that the leaflets were not threatening, and had been delivered to residents in other parts of the village. See below for leaflet:

IMPORTANT INFORMATION – PLEASE READ

Are you aware that there is a proposed parking scheme which will result in The Knapp (including the car-de-vois) having double yellow lines and restricted residential parking bays which will reduce the number of unrestricted spaces in the car-de-vois? Residents of the village should be expected to park behind the pale. Do you want traffic widens in the village? The plans are on the Parish website. If you are opposed to this scheme petitions are available to sign at The Store, The Office, Bakery and Hairdresser. Alternatively, make your views known to Roger Durr (Chairman, Parish Council) or to the Clerk (Tel: 870955) and/or Stuart Wheeler, County Councillor at 870955. Please return the next Parish Council meeting on Wednesday, 2nd February. Thank you.

- Jen Thorsten responded by saying that when the leaflets were delivered, the residents of The Knapp had no electric power and were feeling vulnerable. There was no lift line available, and they had a fear of falling. There had been a massive change within The Knapp and therefore it had been a difficult year.

Matters Arising:

1. Traffic Items

a) Bus route and station parking (RDCAB)

A meeting with Network Rail and First Great Western has taken place. First Great Western have applied for grant funding from a government fund for station improvement, and the outcome should be known by mid-June, and if approved could be implemented by the end of the year.

The Chairman read out the draft statement from Wiltshire Highways by the Parish Council meeting, to be sent to all interested residents and complainants, as follows:

1. Network Rail/First Great Western have applied to the DfT for funding to provide an expanded station car park.
2. It is proposed that no further work is carried on parking restrictions until the outcome of application for funding is known.
3. If the application is approved it might resolve the parking problem, or it might make the problem worse should Network Rail decide to charge for parking.

If the application is approved it might resolve the parking problem, or it might make the problem worse should Network Rail decide to charge for parking.

4. If the application is rejected the current discussions about the parking problems and possible solutions can be restarted.
5. If the application is approved Wiltshire Council will revisit the parking issues six months after the car park has been completed to establish if any changes are necessary.
6. In the interim the requested advisory disabled bays will be implemented together with advisory white lines to protect dropped kerbs. Advisory restrictions are not enforceable. Normally advisory restrictions do not require consultation but in this case they will be the subject of a delegated decision by the Cabinet Member for Highways and will be sent to all those who have communicated with the Council on this matter so that they can comment.
7. It has been suggested that white lines could be laid in problem areas, however these would not be enforceable. It has been suggested that white lines might be appropriate in The Knapp it might be helpful in discouraging inconsiderate parking particularly where a problem is isolated and a traffic regulation order could not be justified or easily enforced. The advice from officers is that the use of white lines should be restricted to protect access points and dropped kerbs. As a result white lines will not be implemented except in the areas already mentioned.
8. It has also been suggested that limited waiting restrictions might be implemented in the cul-de-sacs and to areas to protect the full results of the cul-de-sacs. However this does not address the parking issues elsewhere and any impact, positive or negative, of the new station car parks should be approved. Due to cost implications the Council's policy is not to implement parking restrictions piecemeal. If an alternative way of funding is put forward it will be considered, the cost is in the order of £3000.

The Chairman proposed a motion that the proposals from Network Rail should be considered before a decision was made regarding road markings.

There was unanimous acceptance of this motion.

The Chairman stated, in response to a question, that it was thought that a charge of approx. 50p per day would be levied at season ticket holders, if the car park was extended.

The Council then proposed a motion:

To identify Mrs Jan Thornton and the Group purporting to represent itself as The Knapp Tenants Association as vexatious and to inform Mrs Thornton of this decision in accordance with the Vexatious Complaints Policy adopted by Great Bedwyn Parish Council in February 2012.

To inform the complainant of the following:

• Why the decision has been taken

Due to continuing and unreasonable adversarial and aggressive correspondence with the Parish Council complaining about matters that have been dealt with by the Parish Council or have been disposed of during public meetings or in correspondence.

• What action will be taken

The complainant will be provided with a copy of the Parish Council's Vexatious Complaints Policy and informed that the Parish Council will not reply to or acknowledge any further contact from them on the specific topic of parking in The Knapp and any correspondence concerning this subject will be received and read by the Parish Council Chairman and Clerk only.

• The duration of this action

This action will be maintained for a period not longer than 6 months and will be reviewed by the Parish Council at the end of that period.

Officers of Wiltshire Council and The Area Board will be informed of this action as will Mr Peter Perry MP.

The motion was carried 7 votes for and one abstention.