

## **DECISION NOTICE: No further action**

**Reference WC-ENQ00149**

### **Subject Members**

Councillor Ruth Lamdin – Chairman of Fyfield and West Overton Parish Council

### **Complainant**

Mrs Wendy Chapman

### **Representative of the Monitoring Officer**

Mr Paul Taylor

### **Independent Person**

Mrs Caroline Baynes

### **Review Sub-Committee**

Cllr Trevor Carbin (Chairman)

Cllr Pip Ridout

Cllr Desna Allen

Mr John Scragg (Non-Voting)

### **Complaint**

The complainant has alleged that the subject member as chair of the Parish Council has breached the Council's Code of Conduct in that: -:

1. The Parish Council has not adhered to the Transparency Code in that minutes/reports/agendas are not published to the public domain within the time scale stipulated by the Code.
2. The Parish Council has failed to meet an earlier reassurance given that a memorial tree would not be planted close to a memorial seat but then going ahead and planting the tree 10 feet away from the seat.

### **Decision**

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

- To take no further action in respect of this complaint

## **Reasons for Decision**

The Sub-Committee went through the initial tests required by the local assessment criteria. They were in agreement that the complaint related to the subject member, that they were in office at the time of the alleged incident, and were acting in their capacity as a councillor. The final test was whether, if proven, the alleged actions were capable of breaching the Code of Conduct of the Parish Council.

In reaching its decision the Sub-Committee relied upon the original complaint and supporting information, the response of the subject member, the initial assessment and the additional information submitted by the complainant in their request for a review of the initial assessment decision to take no further action.

The complaint had arisen principally over disagreement with a decision of the parish council regarding siting of a memorial tree, and its alleged impact upon a commemorative seat nearby, as well as a claim the council had not abided by its codes regarding publication of minutes and agendas.

The Sub-Committee was in agreement with the reasoning of the deputy monitoring officer that publication of minutes and agendas relate to processes of the parish council and therefore were not within the remit of the Sub-Committee to consider.

The complaint regarding the decision of the parish council in respect of the memorial tree would also not be covered by the standards regime, only whether the behaviour of the subject member in their interactions around that decision were a possible breach of some element of their Code of Conduct. The Sub-Committee did accept there had been some confusion between the parties in the interactions regarding whether the decision to site the tree had already been taken and there was dispute over what the subject member had told the complainant during those interactions.

Nevertheless, the Sub-Committee upheld the reasoning and the initial assessment decision of the Deputy Monitoring Officer to dismiss the complaint. While the subject member may not have been as clear as they could have been during the discussions with the complainants regarding the decision of the parish council, that decision itself was not challengeable as a Code of Conduct matter, and even if the allegations of the behaviour of the subject member in discussing that decision were proven, these would not rise to the level of a breach.

It was noted the complainant in their request for a review had stated they were minded to accept the decision of the deputy monitoring officer, but took issue with what they regarded as inaccuracies and falsities in the response of the subject member to the original complaint. The Sub-Committee took this into consideration, however they remained of the view that the behaviours alleged in the initial complaint would not, if proven, be a breach.

## **Additional Help**

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