

DECISION NOTICE: NO FURTHER ACTION

Reference WC - ENQ00227

Subject Member

Cllr Stewart Barnes - Box Parish Council

Complainant

Cllr Marilyn Tye – Box Parish Council

Representative of the Monitoring Officer

Mr Paul Taylor

Independent Person

Mrs Caroline Baynes

Review Sub-Committee

Cllr Peter Hutton - Chairman

Cllr Trevor Carbin

Cllr Gordon King

Issue Date

25 April 2018

Complaint

The complainant alleges that the Subject Member in an email to the Complainant has behaved in a bullying and intimidatory manner towards her and he has thereby breached the following paragraphs of Box Parish Council's Code of Conduct:

- 1) He/she shall behave in such a way that a reasonable person would regard as respectful;
- 2) He/she shall not act in a way in which a reasonable person would regard as bullying or intimidatory;
- 3) He/she shall not seek to improperly confer an advantage or disadvantage on any person;
- 4) He/she shall use the resources of the Council in accordance with its requirements.

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.

Reasons for Decision

Preamble

The Chairman led the Sub-Committee through the local assessment criteria which detailed the initial tests that should be satisfied before assessment of a complaint was commenced.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member and that the member was in office at the time the alleged incident and remains a member of Box Parish Council. A copy of the relevant Code of Conduct was also provided for the assessment.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. Further, if it was felt it would be a breach, was it still appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, the response of the subject member including supporting information, the initial assessment of the Deputy Monitoring Officer to take no further action, and the complainant's request for a review. The Sub-Committee also considered a written statement from the Subject Member in response to the review request. Neither party was in attendance.

Conclusion

The complaint related to a letter sent by the subject member to the complainant regarding a complaint which had been raised by an employee of the Parish Council concerning actions of the complainant. The letter informed the complainant that the subject member, as Chairman of the Parish Council, had taken legal advice regarding the duty of care owed to any staff of the Parish Council, and requested that the actions which had given rise to that complaint cease. The complainant considered the contents of the letter to be bullying, intimidatory, disrespectful, and conferring a disadvantage on her that no other member of the Parish Council was under.

Having reviewed the evidence, the Sub-Committee recognised the upset faced by the complainant in receiving the letter that she had from the Chairman of the Parish Council, and that the situation could perhaps have been handled in a different manner. However, noting the genuine concerns raised with the Chairman, the duty of care to council staff, and in particular the relevant Code of Conduct's objective test regarding respect and

bullying, the Sub-Committee did not consider that the actions of the subject member in this instance had risen to that of a potential breach of that Code.

Accordingly, they resolved to uphold the decision and reasoning of the Deputy Monitoring Officer to take no further action in respect of the complaint.

In the request for review the complainant had raised concerns about the subject member seeking legal advice without express designated authority from the council as a whole. As noted in the decision of the Deputy Monitoring Officer, in small councils with limited staff it is reasonable for a Chairman to act for the Council on a day to day basis in respect of employee issues that cannot wait for formal action. While it would be a procedural point as to whether authority had been overstepped in doing so, the Sub-Committee did not believe this was the case, and was of the view that none of the actions alleged would in any case amount to a breach of the Code.

Additional Help

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DECISION NOTICE: NO FURTHER ACTION

Reference WC - ENQ00235

Subject Member

Cllr John Eaton - Southwick Parish Council

Complainant

Mr Tony Doel

Representative of the Monitoring Officer

Mr Paul Taylor

Independent Person

Mrs Caroline Baynes

Review Sub-Committee

Cllr Peter Hutton - Chairman

Cllr Trevor Carbin

Cllr Gordon King

Issue Date

25 April 2018

Complaint

The complainant alleges that the Subject Member, at a Southwick Parish Council meeting on 5 December 2017, spoke to a matter in which he had a pecuniary interest, thereby breaching Southwick Parish Council's Code of Conduct

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.

Reasons for Decision

Preamble

The Chairman led the Sub-Committee through the local assessment criteria which detailed the initial tests that should be satisfied before assessment of a complaint was commenced.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member and that the member was in office at the time the alleged incident and remains a member of Southwick Parish Council. A copy of the relevant Code of Conduct was also provided for the assessment.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. Further, if it was felt it would be a breach, was it still appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, the response of the subject member including supporting information, the initial assessment of the Deputy Monitoring Officer to take no further action, and the complainant's request for a review and response from the subject member. The Sub-Committee also considered verbal statements from representatives of both parties, neither complainant or subject member being personally in attendance.

Conclusion

The complaint related to a meeting of the Parish Council, at which it was alleged that the subject member spoke to a matter in which he had a pecuniary interest.

It was noted that a declaration of interest had been made by the subject member at the meeting on 5 December 2017 and that, whilst he had made a few comments during the debate he had not voted. After considering the submissions before it the Sub-Committee determined to uphold the decision and reasoning of the Deputy Monitoring Officer to take no further action in respect of the complaint.

The Sub-Committee also noted that in the decision notice it had been stated that the entire Parish Council could benefit from training on interests, and it was their understanding a training session had now recently been provided, and the opportunity taken up by several members, which would, it was hoped, reduce the potential for any confusion in future.

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DECISION NOTICE: NO FURTHER ACTION

Reference WC - ENQ00236

Subject Member

Cllr Joan Jones - Southwick Parish Council

Complainant

Mr Tony Doel

Representative of the Monitoring Officer

Mr Paul Taylor

Independent Person

Mrs Caroline Baynes

Review Sub-Committee

Cllr Peter Hutton - Chairman

Cllr Trevor Carbin

Cllr Gordon King

Issue Date

25 April 2018

Complaint

The complainant alleges that the Subject Member, at a Southwick Parish Council meeting on 5 December 2017, spoke to a matter in which she had a pecuniary interest, thereby breaching Southwick Parish Council's Code of Conduct

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.

Reasons for Decision

Preamble

The Chairman led the Sub-Committee through the local assessment criteria which detailed the initial tests that should be satisfied before assessment of a complaint was commenced.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member and that the member was in office at the time of the alleged incident. A copy of the relevant Code of Conduct was also provided for the assessment.

The Sub-Committee was informed that the subject member had subsequently resigned from the Parish Council. In the interests of openness and transparency, however, the Sub-Committee resolved to continue to determine the complaint

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. Further, if it was felt it would be a breach, was it still appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, the response of the subject member including supporting information, the initial assessment of the Deputy Monitoring Officer to take no further action, and the complainant's request for a review and response from the subject member. A representative of the complainant was present, but no additional statements were made. The subject member was not in attendance.

Conclusion

The complaint related to a meeting of the Parish Council, at which it was alleged that the subject member spoke to a matter in which she had a pecuniary interest.

It was noted that no declaration interest had been made at the meeting on 5 December by the subject member. However, the Sub-Committee accepted the conclusions of the Deputy Monitoring Officer that the Subject Member did not believe that the relationship between her land and the land under consideration was such as to constitute a disclosable pecuniary interest. Therefore, after considering the submissions before it the Sub-Committee determined to uphold the decision and reasoning of the Deputy Monitoring Officer to take no further action in respect of the complaint.

The Sub-Committee also noted that in the decision notice it had been stated that the entire Parish Council could benefit from training on interests, and it was their understanding a training session had now recently been provided, and the opportunity taken up by several members, which would, it was hoped, reduce the potential for any confusion in future.

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