

## SUMMARY OF COMPLAINTS TO STANDARDS SUB-COMMITTEES (INITIAL ASSESSMENT)

Date and Members of Sub-Committee	Subject Member	Alleged Breach(es)	Main Points Considered	Decision
<p><b>17<sup>th</sup> June 2008</b> Mr. D. Williams (Chairman) Mr. K. Overton Cllr. Mrs. A. Hood</p>	<p>Barrow-on-Trent Parish Councillor</p>	<p><b>Paragraph 3(1)</b> You must treat others with respect.</p> <p><b>Paragraph 3(2)(b)</b> You must not bully any person.</p> <p><b>Paragraph 5</b> You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p>	<p>The Complainant stated that the Councillor had been arrogant and aggressive at Parish Council meetings and had shown a considerable lack of respect to the Parish Clerk and the Chairman of the Parish Council.</p> <p>The Complainant stated that the Councillor continually questioned and contradicted the advice given by the Parish Clerk and had bypassed the Parish Clerk and sought advice direct from the authors of "The Good Councillors Guide".</p> <p>The Complainant stated the Councillor was rude and frequently aggressive to the Chairman and that the Councillor's behaviour at Council meetings had led to criticism at the Annual Parish meeting.</p> <p>The Complainant stated that the Councillor frequently sent e-mails to the Parish Clerk, several times a week, seeking advice, which the Councillor subsequently questioned.</p> <p>The Complainant drew attention to an e-mail which had been sent by the Councillor, in error, to the Parish Clerk – it appeared that the intended recipient had been another Councillor. The Complainant states that the e-mail seemed to suggest the main objective of the two councillors was the removal of the Parish Clerk.</p> <p>Mention was also made of the fact that the Councillor refused to sign cheques (on behalf of the Parish Council).</p>	<p><b>Paragraphs 3(1) and 5</b> The information provided by the Complainant was not sufficient to refer the complaint for investigation or other action.</p> <p><b>Paragraph 3(2)(b)</b> Allegation referred to the Monitoring Officer for investigation.</p> <p><b>The decisions on paragraphs 3(1) and 5 were upheld by a Standards Sub-Committee (Review) on 11<sup>th</sup> August 2008. The Members were:-</b></p> <p><b>Mr. P. Dawn (Chairman)</b> <b>Mr. T. Thompson</b> <b>Mr. K. Fairbrother</b></p>

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<p><b>17<sup>th</sup> June 2008</b> Mr. D. Williams (Chairman) Mr. K. Overton Cllr. Mrs. A. Hood</p>	<p>Barrow-on-Trent Parish Councillor</p>	<p><b>Paragraph 3(1)</b> You must treat others with respect.</p> <p><b>Paragraph 3(2)(b)</b> You must not bully any person.</p> <p><b>Paragraph 5</b> You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p>	<p>The Complainant stated that as the Councillor was not computer literate another Councillor had taken e-mailed documents to the Councillor as hard copies. It was stated that the Councillor fully supported two other Councillors at all meetings and that was in agreement with them and voted with them, being fully aware of the e-mails sent by them. Mention was made of the fact that the Councillor refused to sign cheques.</p>	<p><b>Paragraphs 3(1), 3(2)(b) and 5</b> The information provided by the Complainant was not sufficient to refer the complaint for investigation or other action. Also, the information provided in support of the complaint was not considered to be sufficiently serious to warrant further action.</p>
<p><b>8<sup>th</sup> October 2008</b> Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. J. Harrison</p>	<p>Barrow-on-Trent Parish Councillor</p>	<p><b>Paragraphs 9, 10 and 12</b> Failure to disclose a personal and prejudicial interest.</p>	<p>The Complainant stated that at the Meeting of Barrow-upon-Trent Parish Council held on 3<sup>rd</sup> June 2008, one of the agenda items related to parish footpaths. The purpose of that item was to decide which Councillors would walk each particular footpath as it was the Council's practice for Members of the Parish Council to walk annually, all the footpaths in the parish to check on their state.</p> <p>The Complainant stated that the Councillor was present at the Meeting on 3<sup>rd</sup> June 2008 and despite admitting during the Meeting that he owned many of the parish footpaths and had a tenancy on others, the Councillor</p>	<p><b>Paragraphs 9, 10 and 12</b> Referral to the Monitoring Officer for other action (training).</p>

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			<p>failed to declare an interest in this agenda item.</p> <p>The Complainant claimed that at a further Meeting of the Parish Council held on 26<sup>th</sup> August 2008, there was an item on the agenda to receive a report on the condition of the footpaths. In relation to footpath No. 3, a lively discussion ensued relating to the fact there was a loose bull able to roam on to the public footpath. The Complainant claimed that the Councillor again failed to declare an interest in relation to this item, despite being the owner of the footpath in part, the tenant of a further part of that footpath and the owner of the bull.</p>	
<p><b>8<sup>th</sup> October 2008</b> Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. J. Harrison</p>	<p>Hatton Parish Councillor</p>	<p><b>Paragraph 3(1)</b> You must treat others with respect.</p> <p><b>Paragraph 3(2)(b)</b> You must not bully any person.</p> <p><b>Paragraph 5</b> You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p>	<p>The Complainant stated that the Councillor undermines the Clerk to Hatton Parish Council at every opportunity, refusing to take his advice.</p> <p>In particular, at the Parish Council Meeting on 2nd September 2008, the Councillor failed to adhere to the agenda and actually inserted a matter, which was not contained on the agenda.</p> <p>During the course of the Meeting, the Complainant stated that the Councillor openly argued with the Clerk, ridiculing and shouting him down in front of members of the public and other Councillors.</p> <p>The Councillor apparently insisted that he alone could adjourn an item himself, without putting the motion to the Council to enable Members to vote on the matter.</p>	<p><b>Paragraphs 3(1), 3(2)(b) and 5</b> Referral to the Monitoring Officer for other action (training).</p>

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			<p>The Complainant stated that the Councillor tried to railroad other Members of the Council and that this was not the first time in the last few months that he had failed to show respect to the Clerk.</p> <p>The Complainant stated that the Councillor mentioned several times throughout the Meeting that they would willingly stand before the Standards Committee in relation to their conduct.</p> <p>It was the Complainant's belief that the conduct of the Councillor was bringing the whole of Hatton Parish Council into disrepute.</p>	
<p><b>8<sup>th</sup> October 2008</b> Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. J. Harrison</p>	<p>Hatton Parish Councillor</p>	<p><b>Paragraph 3(1)</b> You must treat others with respect.</p> <p><b>Paragraph 3(2)(b)</b> You must not bully any person.</p> <p><b>Paragraph 5</b> You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p>	<p>The Complainant stated that at the Parish Council Meeting on 2nd September 2008, the Councillor did not adhere to the timescales of the agenda and persisted in discussing items which were not present on the agenda. An example was the Councillor responding to a letter from a parish resident, which was published in a recent edition of Hatton News.</p> <p>Both prior to and during the Councillor's response, the Complainant stated that the Councillor not only ignored advice given from the Clerk but that the Councillor was both rude, condescending and somewhat aggressive towards the Clerk and other Councillors, behaviour that had been ongoing for many months.</p> <p>The Complainant stated that one of the Councillor's responses to the Clerk's advice was "I will not be stopped from responding to this letter and I am happy to</p>	<p><b>Paragraphs 3(1), 3(2)(b) and 5</b> Training to be undertaken by the Monitoring Officer.</p>

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			<p>stand before the Standards Board, should that be required.” This sentiment was repeated several times throughout the Meeting.</p> <p>Upon reaching item 4 on the Agenda – To confirm as a true record the non-exempt Minutes of the Meeting held on July 1st, 2008, the Councillor commented that an amendment was required with reference to a vote taken at the previous Meeting.</p> <p>The Complainant stated that rather than discussing the required amendment, the Councillor decided to adjourn all discussion of the amendment along with items 15 and 16 on the agenda as there were Members of the Council who were absent, who should be allowed to vote. This was despite the Council Meeting being quorate. Apparently this decision was made by the Councillor alone and the Councillor did not allow the Council to vote on the adjournment.</p>	
<p><b>13<sup>th</sup> November 2008</b>            Mr. D. Williams            (Chairman)            Mr. K. Fairbrother            Cllr. Mrs. J. Mead</p>	<p>District Councillor</p>	<p><b>Paragraph 3(1)</b>            You must treat others with respect.</p>	<p>The Complainant stated that at a meeting of the South Derbyshire Etwall Area Forum, held at Hilton Village Hall on 8th October 2008, the Councillor refused to allow any discussion on issues relating to a possible railhead development and that the Councillor’s handling of the matter was rude and unprofessional and led to a mass walk out from the meeting.</p> <p>The Standards Sub-Committee (Initial Assessment) can only deal with complaints regarding the alleged behaviour and conduct of a Member and, therefore, issues raised in the complaint that are not covered by the Members’ Code of Conduct have been referred</p>	<p><b>Paragraph 3(1)</b>            The information provided by the Complainant was not sufficient to refer the complaint for investigation or other action.</p>

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			through to the District Council's complaints system, via the Head of Customer Services, to be dealt with.	
<p><b>13<sup>th</sup> November 2008</b> Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. Mrs. J. Mead</p>	District Councillor	<p><b>Paragraph 3(1)</b> You must treat others with respect.</p> <p><b>Paragraph 3(2)(a)</b> You must not do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006).</p> <p><b>Paragraph 3(2)(b)</b> You must not bully any person.</p> <p><b>Paragraph 5</b> You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p>	<p>The Complainant stated that he attended the South Derbyshire District Council Etwell Area Forum on Wednesday, 8th October 2008 at Hilton Village Hall.</p> <p>Under Agenda Item 9, Public Questions, the Complainant states that an issue was raised from the floor concerning railheads in the locality. The Councillor made it clear that he would not speak or allow discussions about specific railheads, but only comment in principle.</p> <p>An attendee at the meeting indicated that they wished to speak on this subject. The Councillor refused to allow the attendee to do so. The Complainant stated that the attendee insisted that they be allowed to speak, but to the Complainant's astonishment was loudly and in the most abrupt and peremptory way shouted down by the Councillor. The Complainant stated that they were so appalled at the outrageous conduct of the Councillor that the Complainant, along with a dozen or so other residents of South Derbyshire, immediately left the meeting.</p> <p>The Complainant stated that they considered the conduct of the Councillor brought South Derbyshire District Council into disrepute and the behaviour was unacceptable.</p>	<p><b>Paragraphs 3(1) and 5</b> Allegation referred to the Monitoring Officer for investigation.</p> <p><b>Paragraphs 3(2)(a) and 3(2)(b)</b> The information provided by the Complainant was not sufficient to refer the complaint for investigation or other action.</p>

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			<p>The Standards Sub-Committee (Initial Assessment) can only deal with complaints regarding the alleged behaviour and conduct of a Member and, therefore, issues raised in the complaint that are not covered by the Code of Conduct have been referred through to the District Council's complaints system, via the Head of Customer Services, to be dealt with.</p>	
<p><b>13<sup>th</sup> November 2008</b> Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. Mrs. J. Mead</p>	<p>District Councillor</p>	<p><b>Paragraph 3(1)</b> You must treat others with respect.</p> <p><b>Paragraph 3(2)(b)</b> You must not bully any person.</p> <p><b>Paragraph 3(2)(c)</b> You must not 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</p>	<p>The Complainant stated that on 8th October 2008, they attended the South Derbyshire District Council Etwall Area Forum.</p> <p>During the meeting, the Complainant stated that a member of the public raised a question concerning potential railhead developments in the locality and that the Councillor ruled that they would not discuss railheads other than in principle.</p> <p>The Complainant stated that they endeavoured to speak, but the Councillor ruled that they could not speak on the subject.</p> <p>The Complainant indicated that they wished to speak, and indeed attempted to explain that they needed to speak on the matter, but was again prevented from doing so by the Councillor who, the Complainant stated, was becoming agitated and loud in demeanour. The Complainant stated that they tried, unsuccessfully and politely, but with determination a third time to speak, only to be put down first by the Councillor and then the Clerk of the meeting.</p>	<p><b>Paragraphs 3(1), 3(2)(b) and 5</b> Allegation referred to the Monitoring Officer for investigation.</p> <p><b>Paragraph 3(2)(c)</b> The information provided by the Complainant was not germane to refer the complaint for investigation or other action, as the paragraph concerns actions taken subsequent to the original incident.</p>

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		<p>Member (including yourself) has failed to comply with his or her authority's Code of Conduct.</p> <p><b>Paragraph 5</b> You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p>	<p>The Complainant stated that at this point, a number of residents in the audience stood up, expressed anger, disappointment and exasperation and left the meeting.</p> <p>The Complainant stated that they were loudly, confrontationally and embarrassingly put down by a very peremptory and increasingly agitated Councillor.</p> <p>The Complainant stated that they felt very strongly that the Councillor has contravened the Code of Conduct for Members of South Derbyshire District Council.</p> <p>The Standards Sub-Committee (Initial Assessment) can only deal with complaints regarding the alleged behaviour and conduct of a Member and, therefore, issues raised in the complaint that are not covered by the Members' Code of Conduct will need to be referred through to the District Council's complaints system via the Head of Customer Services.</p>	
<p><b>13<sup>th</sup> November 2008</b> Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. Mrs. J. Mead</p>	<p>District Councillor</p>	<p><b>Paragraph 3(1)</b> You must treat others with respect.</p> <p><b>Paragraph 5</b> You must not conduct yourself in a manner which could reasonably be regarded as bringing your office</p>	<p>The Complainant stated that on 8th October 2008 at the meeting of the South Derbyshire Etwall Area Forum, the Complainant made it clear that any matters that related to a current or potential or future planning application would not be discussed and the Complainant apologised to any persons who had attended for this sole purpose, in that they had had a wasted journey and they would understand it if they wished to leave the meeting at this juncture, which no-one did.</p>	<p><b>Paragraphs 3(1) and 5</b> Allegation referred to the Monitoring Officer for investigation.</p>

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		<p>or authority into disrepute.</p>	<p>The Complainant went on to state that later in the meeting, the Councillor rose to challenge them and in a very loud voice demanded a right to speak on a planning issue of public concern.</p> <p>The Complainant stated that, at this stage, they rose from their seat and advised the Councillor to be “out of order”. The Complainant stated that the Councillor continued in a very loud voice to demand a right to be heard. The Complainant stated that they repeated that the Councillor was “out of order” but that the Councillor chose to ignore the Complainant and persistently continued to insist on a right to be heard.</p> <p>The Complainant stated that, by this time, and because of the continued onslaught and the strength/volume of the Councillor’s voice, the Complainant had to raise their own voice in order to be heard, as there was no gavel available for use, due to the meeting taking place in a village hall.</p> <p>The Complainant stated that they gave the Councillor four opportunities to desist in their persistent and continuous verbal tirade and, in the Complainant’s opinion, highly unprofessional behaviour.</p> <p>On the fifth and final occasion, the Complainant stated they raised their voice over that of the Councillor so that everyone present could hear the Complainant say “Councillor, if you do not stop, I will have no alternative but to adjourn the meeting”. The Complainant stated</p>	

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			<p>that, at this point, the Councillor strode out of the room, along with about ten other attendees.</p> <p>The Standards Sub-Committee (Initial Assessment) can only deal with complaints regarding the alleged behaviour and conduct of a Member and, therefore, any issues raised in the complaint that are not covered by the Members' Code of Conduct will have to be referred through to the District Council's complaints system via the Head of Customer Services.</p>	
<p><b>13<sup>th</sup> November 2008</b> Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. Mrs. J. Mead</p>	<p>Rosliston Parish Councillor</p>	<p><b>Paragraph 3(1)</b> You must treat others with respect.</p> <p><b>Paragraph 3(2)(b)</b> You must not bully any person.</p>	<p>The Complainant stated that the Councillor showed an intimidatory and bullying attitude towards them on two occasions between 12th August and 15th September 2008.</p> <p>In relation to the incident on 12th August, the Complainant stated that they had told the Councillor that they felt they were being victimised and penalised due to the actions of the previous Clerk. The Complainant stated that the Councillor agreed with them and stated that this would also apply to all future Clerks. The Complainant stated that they had pointed out on a separate occasion that the Councillor was totally wrong to question the capability of both the Complainant and any future Clerk because the Council had encountered problems in relation to previous Clerks.</p> <p>In relation to the incident on 15th September 2008, the Complainant stated that the Councillor deputised for the Chairman at the Parish Council meeting. The Complainant stated that when the Minutes of the last</p>	<p><b>Paragraphs 3(1) and 3(2)(b)</b> The information provided by the Complainant was not sufficient to refer the complaint for investigation or other action.</p>

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			<p>meeting were due to be agreed, the Councillor asked the other Councillors if they were in agreement with them and they all said they were. However, the Complainant stated that the Councillor had said that they were not, and they aggressively criticised the Complainant in a very demeaning manner over two, in the Complainant's view, very minor points.</p> <p>The first point was the fact that the Complainant had used the term "the Clerk" in most instances and, apparently, "I" in some others. Apparently, the Councillor challenged the use of the third and first party reference in the same document and stated that they wanted this changed.</p> <p>The Complainant explained how the error had occurred and stated that they did apologise to the Councillor and stated that it was not intentional and was purely an oversight.</p> <p>The second point the Complainant raised concerned a planning application that had been discussed at the July Parish Council meeting. The Councillor challenged the Minutes in relation to a particular application as "no objections" because the Councillor stated that they had raised a point about the height of the property.</p> <p>The Complainant stated that they had specifically stated to the Chairman "Do I take it that there were no objections?" and the Chairman agreed, so that was why the Complainant had recorded "no objections". The</p>	

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			<p>Complainant stated that they had asked the Councillor what the relevance of this was, as they already knew that the application had been refused, but no response was given and the Councillor then proceeded to sign the Minutes without any amendments being made.</p> <p>The Complainant stated that they were upset by the Councillor's attitude towards them and had asked the Councillor why they were treating the Complainant in this manner and the Councillor replied that as the Complainant wanted everything done in a lawful manner, the Councillor would do the same.</p> <p>The Complainant stated that the Councillor's aggressive and dominating attitude towards them had continued throughout the meeting. The Complainant went on to state that they wanted to try and resolve the issue and, therefore, after the meeting, raised this point with them.</p> <p>The Councillor stated that they objected to the changes that the Complainant was putting in place. The Complainant stated that they were purely attempting to ensure that all Council administration procedures would be conducted in a lawful manner. At this stage, the Councillor informed the Complainant that no-one else liked the changes made and that the Councillor wanted it all to return to the way it was before. As a result of this conversation, the Complainant felt that the only reason the Councillor had raised the two points above was that they wanted to find something wrong so that they could have a reason to criticise and ridicule the Complainant.</p>	

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<p><b>26<sup>th</sup> November 2008</b> Mr. D. Williams (Chairman) Mr. K. Overton Cllr. Mrs. A. Hood</p>	<p>District Councillor</p>	<p><b>Paragraphs 9, 10 and 12</b> Failure to disclose a personal and prejudicial interest.</p> <p><b>Paragraph 13</b> Failure to register personal interests in the Register of Interests</p>	<p>The Complainant was alleging that the Councillor had failed to disclose a personal and prejudicial interest relating to a planning application during a planning committee meeting and had also failed to register business interests in the Register of Interests.</p>	<p><b>Paragraphs 9, 10, 12 and 13</b> Allegation referred to the Monitoring Officer for investigation.</p>
<p><b>26<sup>th</sup> November 2008</b> Mr. D. Williams (Chairman) Mr. K. Overton Cllr. Mrs. A. Hood</p>	<p>Barrow-on-Trent Parish Councillor</p>	<p><b>Paragraph 3(1)</b> You must treat others with respect.</p> <p><b>Paragraph 3(2)(b)</b> You must not bully any person.</p>	<p>The Complainant alleged that the Councillor had breached aspects of the Code of Conduct and the Complainant sought to provide information about the alleged breaches in a letter dated 16<sup>th</sup> October 2008, which had originally been sent by the Complainant to The Standards Board for England.</p> <p>In summary, the Complainant referred to a (Parish Council) meeting held on 7<sup>th</sup> October 2008 in which he alleged that the Councillor had displayed “aggression, bullying, negativeness and unco-operativeness towards the temporary Clerk”.</p> <p>The Complainant stated that the Councillor’s behaviour showed examples of “extreme rudeness and blatant bullying” and that the Councillor had been negative towards suggestions made by other Parish Councillors during other meetings.</p>	<p><b>Paragraphs 3(1) and 3(2)(b)</b> Allegation referred to the Monitoring Officer for investigation.</p>

## SUMMARY OF COMPLAINTS TO STANDARDS SUB-COMMITTEES (INITIAL ASSESSMENT)

Date and Members of Sub-Committee	Subject Member	Alleged Breach(es)	Main Points Considered	Decision
			<p>The main complaint was in relation to the Councillor's behaviour during the Parish Council meeting held on 7<sup>th</sup> October 2008. He gave an example of the Councillor's behaviour by stating that the Councillor had introduced an item which had not been on the Agenda and had produced a letter given to the Councillor by a parishioner which related to trees along the parishioner's boundary.</p> <p>The Complainant stated that the Councillor had, "with all guns blazing, demanded why the Clerk had written to the Derbyshire County Council instead of to the owner of the land, as requested" and had "demanded, extremely forcefully, that the Clerk contact the County Council to make sure they did not take any immediate action."</p> <p>The Complainant stated that the Councillor "made powerful accusations and bullied in a vicious manner..."</p>	