

## 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>11<sup>th</sup> April 2011</b>            Mr. D. Williams            (Chairman)            Mr. K. Fairbrother            Cllr. Mrs. J. Mead</p>	<p>Parish Councillor</p>	<p><b>Paragraph 4</b>            You must not:-</p> <p>(a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-</p> <p>(i) you have the consent of a person authorised to give it;</p> <p>(ii) you are required by law to do so;</p> <p>(iii) the disclosure is made to a third party for the purpose of obtaining</p>	<p>The complainant stated that as the Clerk/RFO and Proper Officer to a Parish Council, she was working on the financial accounts of the village hall, of which the Parish Council was the sole Trustee. The complainant stated that some discrepancies came to light and she produced a private and confidential Clerk's report, which was subsequently passed on to a third party, being a member of staff to the village hall without the complainant's authority or knowledge.</p> <p>Following the resignation of the previous Chairman of the Village Hall Committee, the subject Member took over as Acting Chairman of the Committee. The complainant claims that the subject Member then began to leak further private and confidential information to the third party member of staff to the village hall and refers to an e-mail sent by the subject Member, stating that this was sent in error to the complainant and shows that the subject Member was in contact and working with a third party, discussing private and confidential Parish Council business.</p> <p>The complainant stated that at a subsequent Parish Council meeting, the subject Member only declared a personal interest and remained in the Meeting during the Exempt item when the private and confidential reports of the Clerk were discussed. These referred to the management and responsibilities of the village hall and its Committee, of which the subject Member was the Vice-Chairman and then the Acting Chairman, and also financial irregularities relating to the accounts of the</p>	<p><b>Paragraphs 4, 5, 9, 10 &amp; 12</b>            The information provided by the complainant did not contain sufficient nor corroborative details to meet the threshold for an incident that could be regarded as a potential breach of the Code and it was therefore not intended to refer the complaint for investigation or other action.</p>

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		<p>professional advice provided that the third party agrees not to disclose the information to any other person; or</p> <p>(iv) the disclosure is:-</p> <p>(aa) reasonable and in the public interest; and</p> <p>(bb) made in good faith and in compliance with the reasonable requirements of the authority; or</p> <p>(b) prevent another person from gaining access to information to which that person is entitled by law.</p>	<p>village hall, affecting a member of staff who was a close personal friend of the subject Member. The complainant claimed that this person was the third party person who had been receiving private and confidential information pertaining to private and confidential Parish Council business, initially from the previous Chairman of the Village Hall Committee (who subsequently resigned) and then from the subject Member.</p>	

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		<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><b>Paragraphs 9, 10 &amp; 12</b> The failure to disclose a personal and prejudicial interest.</p>		
<p><b>10<sup>th</sup> August 2011</b> Mr. P. Dawn (Chairman) Mr. K. Overton Cllr. Mrs. J. Mead</p>	<p>Parish Councillor</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</p>	<p>The complainant stated that a Parish Council became the sole trustees of a village hall approximately four years ago and a Management Committee was established, consisting of Parish Council members and hirers. The complainant advised that in January 2011, the Clerk to the Parish Council carried out a covert audit on the accounts of the village hall, without the knowledge of either the Committee or the Parish Council except the Chairman, being the subject Member. The complainant stated that the Clerk supplied the subject Member with a copy of the audit, who then passed it to the Chairman of the Committee for comments. It was claimed that the Parish Council had not passed a resolution for the Clerk to carry out this audit.</p>	<p><b>Paragraphs 3(2)(b), 3(2)(c), 3(2)(d), 5, 6(a), 6(b)(i), 6(b)(ii), 7(2), 9, 10 &amp; 12</b> The information provided by the complainant did not contain sufficient nor corroborative details to meet the threshold for an incident that could</p>

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		<p>administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's Code of Conduct.</p> <p><b>Paragraph 3(2)(d)</b> You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.</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>Following the subsequent resignation of the Chairman of the Committee, the complainant took over as Acting Chairman. The complainant detailed events relating to the production of a private and confidential report by the Clerk and claims that the subject Member was aware of the action and approved of it. The complainant also questioned why the subject Member had allowed the audit and report to be carried out so underhandedly and by a person not independent to the village hall and who had a grievance against the village hall Clerk and Responsible Financial Officer.</p> <p>It was stated that at a Parish Council meeting, the complainant declared a personal interest in the Exempt item relating to the Clerk's report. The complainant stated that the subject Member did not declare an interest, despite being the only Parish Councillor to have seen the audit report and responses in full. The complainant remained in the meeting but neither the audit report nor the responses from the village hall Clerk were made known to the Parish Council. The Clerk to the Parish Council announced that an audit had been carried out on the village hall accounts under the prevention and protection of fraud and numerous issues had been found. The complainant stated that both the Clerk and the subject Member allowed the Committee to believe that offences had been committed, by thumbing through documents that only they had in front of them. The Clerk to the Parish Council announced that she was being bullied, harassed and intimidated by the village hall Clerk and it was stated that a grievance had</p>	<p>be regarded as a potential breach of the Code and it was therefore not intended to refer the complaint for investigation or other action.</p>

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		<p><b>Paragraph 6(a)</b> You must not use, or attempt to use, your position as a Member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage.</p> <p><b>Paragraph 6(b)(i)</b> You must, when using or authorising the use by others of the resources of your authority, act in accordance with your authority's reasonable requirements.</p> <p><b>Paragraph 6(b)(ii)</b> You must, when using or authorising the use by others of the resources of your</p>	<p>previously been lodged by the village hall Clerk, alleging victimisation by the Clerk to the Parish Council. The atmosphere in the office which they shared had broken down and the complainant states that the subject Member refused to get involved on several occasions, considering it personal and the two Clerks would have to sort it out between themselves.</p> <p>The complainant outlined events concerning freezing the Village Hall bank account and stated that such a resolution was not passed by the Parish Council.</p> <p>At future Parish Council meetings, the complainant again declared an interest in issues relating to the Village Hall. By this time, a new Village Hall Management Committee had been formed but no other Parish Council members on the Committee declared an interest, including the subject Member.</p> <p>The complainant outlined events relating to a bank mandate for the Village Hall and claimed that the subject Member had applied pressure on the complainant to sign documents without having sight of them.</p> <p>Following the circulation of a memo by the Clerk to the Parish Council, the complainant felt intimidated and harassed and as the complainant had enjoyed no support from either the subject Member or the Clerk to the Parish Council, the complainant had no option but to resign from the Parish Council. The complainant then e-mailed members of the Parish Council outlining the</p>	

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		<p>authority, ensure that such resources are not used improperly for political purposes (including party political purposes).</p> <p><b>Paragraph 7(2)</b> You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.</p> <p><b>Paragraphs 9, 10 &amp; 12</b> The failure to disclose a personal and prejudicial interest.</p>	<p>events leading to the resignation and the complainant's side of what the complainant felt had been a campaign against the complainant by the subject Member and the Clerk to the Parish Council. The complainant stated that this was not the first time that the complainant felt victimised by the subject Member and the Clerk to the Parish Council, citing a previous occasion in November 2010 when the complainant was requested to attend a meeting with them to discuss an issue.</p> <p>The complainant claimed that although the majority of the actions taken against the complainant were by the Clerk to the Parish Council, it had been with the agreement, backing and approval of the subject Member. The complainant stated that the subject Member had sanctioned everything and if not, suggested that serious questions must be asked as to the leadership as Chairman of the Parish Council.</p> <p>The complainant also claimed that the subject Member had operated contrary to some important points in relation to hazards within a Council, as set out in "The good councillors guide".</p>	

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<p><b>31<sup>st</sup> August 2011</b>            Mr. D. Williams            (Chairman)            Mr. K. Fairbrother            Cllr. Mrs. J. Mead</p>	<p>District Councillor</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 was the operator of a Private Hire business. The complainant had recently collected a customer who, it is claimed, asked whether the complainant knew that the subject Member was telling people that he had a minibus repossessed and that it had not been stolen in a recent burglary. The complainant then queried this further and claims that the customer said that he was drinking in a local social club when he overheard a conversation between the subject Member and a friend.</p> <p>Following this, the complainant called at the subject Member's address to query whether this was true and it is claimed that the subject Member replied "I didn't mean it to come out like that." The complainant then told the subject Member that legal action would be sought on his remarks, as this was not the first occasion that the complainant had confronted the subject Member regarding conduct issues.</p> <p>Later on that day, a near neighbour of the complainant asked how the complainant's family was coping with the recent burglary and was informed that the subject Member was alleging the minibus had been repossessed, to which the neighbour stated that the subject Member had made a similar comment to him. The complainant then telephoned the police and explained the problems being experienced with the subject Member. The desk sergeant made a note for the investigating officer who was dealing with the burglary.</p>	<p><b>Paragraph 5</b>            The information provided by the complainant failed to identify in what way the subject Member's conduct was undertaken in an official capacity. In the absence of such information, a breach of the Code of Conduct could not be proven, as the incident would not be covered by the Code.</p>

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			<p>Several days later, the complainant collected another customer who, after being appraised of the subject Member's alleged comments, also confirmed that she had heard about the comments allegedly made by the subject Member. The complainant also claimed that the customer said that ever since the complainant had started a business, the subject Member had been "sluring" (sic) the complainant and had stated that the complainant could not obtain a licence straight away because of being an alcoholic previously. In this regard, the complainant claimed to have never been a drinker and believed that the subject Member was trying to affect the business.</p>	