

SUMMARY OF COMPLAINTS TO MONITORING OFFICER

DATE: 13 th August, 2012	SUBJECT MEMBER: Parish Councillor Mr. A.R. Statham Woodville Parish Council	ALLEGED BREACH: Allegation of lying at a Parish Council meeting with regards to knowledge of a digger attending the site at Millfield Street, Woodville
MAIN POINTS CONSIDERED: The meeting was extremely difficult to control with various residents shouting out questions. The meeting became so unruly in the opinion of the Parish Council that a Police presence was requested. The nature of the meeting is backed up by the Parish Clerk's minutes of the meeting in which it was stated that the meeting was difficult to control and provide clarity to. A number of residents from Millfield Street attended the meeting to protest about a dropped kerb being placed in Millfield Street. Unfortunately it was impossible to take notes of any consequence because of the number of persons speaking above each other. Mr. Statham tried to bring the meeting to order but was not successful and in the end the Police presence was requested and this section of the meeting adjourned. It was during this part of the meeting that various residents alleged that Mr. Statham had denied knowledge of the digger to be present. Mr. Statham stated he was aware the digger was arriving on site that morning and that he had made provisionally arrangements for the date a month before, but it had slipped his mind until a phone call from the Company stating that the digger was on site. At the meeting Mr. Statham stated that he had been unaware that the digger was arriving on site that morning, not that he was aware that the digger had been ordered.		
DECISION: I am of the opinion that because of the nature of the meeting regarding Millfield Street, it was very difficult for persons present, including the Clerk, to paint an accurate picture of what was and wasn't said. It would not achieve any further clarity by setting up an investigation into these matters, because the difference in opinions to what was said could not be established factually. Under the South Derbyshire District Council procedure for considering a complaint that a Member had breached the Code of Conduct it is considered that Section 3, sub-section C therefore applies, it is not in the public interest to investigate the complaint.		

DATE: 22 nd August, 2012	SUBJECT MEMBER: Councillor Patrick Murray South Derbyshire District Council	ALLEGED BREACH: (1) Allegation that Councillor Murray did not behave well during a Woodville Parish Council meeting. (2) Allegation that Councillor Murray did not behave well on attending at a site meeting at Millfield Street, Woodville.
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MAIN POINTS CONSIDERED:

- (1) The allegations that Councillor Pat Murray did not behave well during a Parish Council meeting held on the 10th April, 2012 were similar to a complaint made by residents regarding the running of the meeting by the Parish Council that I had considered previously. The notes of the Parish Council are telling in this regard in that the meeting was clearly raucous with several people talking/shouting at once and the meeting was very difficult to control. I came to the conclusion from both the residents and the Parish Council complaint that it was not possible to ascertain exactly what was said at the meeting and by whom. Again the notes taken by the Parish Clerk confirm this.

Additional Alleged Breach:

- (2) That Councillor Murray attended a site meeting on the morning of the 10th April at Millfield Street, Woodville, blew his car horn on entering the street, shouted at Mr. Statham and jabbed his finger at him whilst saying "I am not afraid of you". Councillor Murray's explanation was that he drove down Millfield Street, pressed his car horn to let the resident who he had spoken to earlier on the telephone know that he had arrived. Councillor Murray said that a group of residents, about 10 - 15 people, had assembled and surrounded Mr. Statham and were being quite raucous. He stated that some of the comments that were shouted out were offensive and abusive towards Mr. Statham. Councillor Murray claimed he spoke to Mr. Statham and said that he was attending here at a District Councillor on behalf of the residents. He said that both he and Mr. Statham raised their voices at each other but were not shouting. Councillor Murray stated that Mr. Statham said to him "I guess the Burton Mail will be along shortly". Councillor Murray took that to mean that because he was regularly featured in the Burton Mail Mr. Statham was suggesting that he had rung the Burton Mail and asked them to attend. Councillor Murray said that he found this offensive.

Mr. Statham decided to leave the site and Councillor Murray says he followed him to his car, pointed his mobile phone at him and made actions to press buttons saying "if you want the Burton Mail here then you talk to them". Councillor Murray said he was robust but not offensive. He also said if necessary the residents from Millfield Street would support his view.

DECISION:

The gathering at Millfield Street was similar to the Parish Council meeting in that several people appeared to be shouting comments out all at once, some of them of an offensive nature, and it would have been difficult to ascertain who was saying what and when. It appears that a robust conversation took place between Councillor Murray and Mr. Statham, and Councillor Murray does not deny saying (although he cannot specifically recall it) "I am not frightened of you". The statement itself could not be considered a breach of the code, neither could making an action to tap out numbers on a mobile phone. It should be pointed out that a witness provided by Mr. Statham said that Councillor Murray was tapping on the car, not the phone. Mr. Statham himself said that Councillor Murray was wagging his finger.

Councillor Murray states that the witness was some distance away and could easily have misinterpreted his action, but nonetheless I was faced with three different versions of what had happened. I did not believe that an independent investigation into the matter would shed any more light as it would be the word of some residents against the word of Mr. Statham and a witness for Mr. Statham.

I do not believe the complaint is sufficiently serious to warrant an investigation when its components are stripped down and neither would it be in the public interest because of this to investigate the complaint.

The conclusion being that the complaint failed to meet the threshold for determination of a breach of the code of conduct.

DATE: 7 th January, 2013	SUBJECT MEMBER: Councillor Michael Stanton South Derbyshire District Council	ALLEGED BREACH: Allegation of insensitive language used at a Safer Neighbourhood Forum
MAIN POINTS CONSIDERED: <p>Concerns were raised with Councillor Stanton about how difficult it is for some motorists to spot a recumbent cyclist and Councillor Stanton raised the matter at the meeting. Councillor Stanton referred to cyclists with a death wish could visit the Dignitas Clinic in Switzerland.</p> <p>Councillor Stanton was invited to an interview with myself and an Independent Member. Councillor Stanton apologised for any offence and said that he had the best of intentions at heart.</p>		
DECISION: <p>I am of the opinion that a public apology by Councillor Stanton was warranted. As he has already made one which was reported in the Burton Mail no further action was required.</p>		