

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>13th November 2008 Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. Mrs. J. Mead</p>	<p>District Councillor</p>	<p>Paragraph 3(1) You must treat others with respect.</p> <p>Paragraph 5 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 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>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>Paragraphs 3(1) and 5 Allegation referred to the Monitoring Officer for investigation.</p> <p>A Sub-Committee (Hearing) was held on 13th August 2009 which referred the matter back to the Standards Committee for its consideration. The Members were:-</p> <p>Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. Mrs. J. Mead</p>

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			<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 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>10th February 2009 Mr. D. Williams (Chairman) Mr. T. Thompson Mr. K. Fairbrother</p>	<p>Barrow-on-Trent Parish Councillor</p>	<p>Paragraph 5 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 states that at the December 2008 meeting of Barrow upon Trent Parish Council, the Clerk reported that she was unable to locate any records or statements relating to a bank account which contains the majority of Council funds, which had been set up by a previous Clerk at the request of the Parish Council.</p> <p>The complainant stated that the bank account paperwork was missing from the documents handed over by the previous permanent Clerk, who had resigned at short notice in April 2008.</p>	<p>Paragraphs 5 and 6(b)(i) Allegation referred to the Monitoring Officer for investigation.</p>

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		<p>Paragraph 6(b)(i) 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>The Parish Council asked the Clerk to enquire of the bank about the account and to obtain a statement.</p> <p>Just prior to the January 2009 meeting, the Clerk reported to the complainant that she had been informed by an employee of the bank that the account had only two signatories and that the account had been set up such that it required only one signature to release funds. The complainant states that the Councillor must have been aware of this when they signed the account mandate.</p> <p>The complainant stated that they raised this issue during the January 2009 meeting in the public session, expressing concern that the account had not been set up in accordance with the Parish Council Financial Regulations. The complainant stated that the Councillor had said that this was to enable the previous Clerk to move money easily. The complainant stated that, upon hearing this, she pointed out to the Councillor and the meeting that it was never acceptable for public funds to be accessible by only one signatory and that this was in direct contravention of the Parish Council Financial Regulations.</p> <p>The complainant stated that the Councillor had a disregard of financial probity.</p>	<p>A Sub-Committee (Consideration) was held on 22nd July 2009 which accepted the recommendation that there had been no breach of the Code. The Members were:-</p> <p>Mr. P. Dawn (Chairman) Mr. K. Overton Cllr. P. Murray</p>

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<p>16th March 2009 Mr. D. Williams (Chairman) Mr. K. Fairbrother Cllr. Mrs. J. Mead</p>	<p>District Councillor</p>	<p>Paragraph 5 You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.</p> <p>Paragraph 6(a) 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>Paragraphs 9, 10 and 12 Failure to disclose a personal and prejudicial interest.</p>	<p>The complainant alleges that the Councillor failed to declare an interest in the agenda item relating to enforcement action against the complainant, despite the fact that the complainant alleges that the Councillor knows them well through their attendance at the Parish Council, of which the complainant is a Member.</p> <p>The complainant states that the Councillor had been informed that the complainant had provided a statement against the Councillor in a previous complaint.</p> <p>The complainant stated that the Councillor should not have remained in the Chamber when the item involving the complainant was discussed and it is claimed that the Councillor acted in a wholly inappropriate manner, by failing to declare their interest in the agenda item, failing to leave the Chamber, bringing their office and membership of the Development Control Committee and the Council into disrepute.</p>	<p>Paragraphs 5, 6(a), 9, 10 and 12 Allegation referred to the Monitoring Officer for investigation.</p> <p>A Sub-Committee (Consideration) was held on 22nd July 2009 which accepted the recommendation that there had been no breach of the Code. The Members were:-</p> <p>Mr. P. Dawn (Chairman) Mr. K. Overton Cllr. P. Murray</p>

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

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<p>7th September 2009 Mr. D. Williams (Chairman) Mr. K. Overton Cllr. P. Murray</p>	<p>Parish Councillor</p>	<p>Paragraph 3(1) You must treat others with respect.</p> <p>Paragraph 3(2)(b) You must not bully any person.</p>	<p>The complainant states that she was “emergency response” for the Rescue Centre and, as such, received a phone call at midnight and was told that horses had been let out of the Centre. The next day, the Police formed the view that the gate through which the horses had escaped had been broken open by a crowbar.</p> <p>The complainant explained that she arrived on her motorbike at around 12.20am and saw two people standing with a torch – one of the individuals was the subject Member. The complainant stated that even before she had took her helmet off, the subject Member was very threatening and nasty, constantly asking her who she was, what she had to do with the Rescue Centre and where she lived.</p> <p>The complainant thanked the two people for alerting the Rescue Centre and apologised profusely. The complainant stated that the subject Member spoke to her in an extremely aggravated manner and began pointing at her, coming very close, in a very aggressive, bullying manner. The complainant explained that she reminded the subject Member again that she was grateful and was in fact “emergency response” and there to resolve the matter, not to be abused.</p> <p>The complainant stated that the subject Member’s ranting ranged from telling her that she was arrogant, to informing her that the complainant’s horses tried to barge past. The complainant explained that the horses were nervous and although outside of their field, they</p>	<p>Paragraphs 3(1) and 3(2)(b) The information provided by the complainant failed to identify in what way the subject Member was acting as a Councillor and thereby 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>were remaining alongside their herd. The complainant stated that the subject Member continually barked orders at her and would not remove their finger from her face or stop shouting. Eventually, the complainant explained that after 25 minutes of advice, the subject Member left with the other member of the public.</p> <p>The complainant explained that she had taken this incident extremely seriously, as her organisation is based on people with good natures who are loving and enjoy helping others, working in an atmosphere of peace, understanding, partnership and happiness.</p> <p>The complainant states that, in her opinion, the subject Member has no place on a Parish Council and that they constantly breached the Code of Conduct by failing to show an ounce of respect to a member of the public, with 25 minutes of threats and bullying late at night.</p>	
<p>7th September 2009 Mr. D. Williams (Chairman) Mr. K. Overton Cllr. P. Murray</p>	<p>Parish Councillor</p>	<p>Paragraph 3(1) You must treat others with respect.</p> <p>Paragraph 3(2)(b) You must not bully any person.</p>	<p>The complainant states that at a meeting of the Parish Council on 9th June 2009, a discussion took place from a parishioner about a dog in the village. The complainant stated that the subject Member said he had spoken to the owner about the problem. The complainant stated that the owner of the dog was the subject Member's sister-in-law and he failed to declare an interest.</p> <p>The complainant then went on to say that, secondly and more importantly, the subject Member made a comment about a wall at the complainant's farm, stating that whilst</p>	<p>Paragraphs 3(1) and 3(2)(b) The information provided by the Complainant did not contain sufficient detail to be referred for investigation or other action.</p>

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		<p>Paragraphs 9, 10 and 12 Failure to disclose a personal and prejudicial interest.</p>	<p>the wall did not bother him and how nice the brickwork was, he wished to complain purely to harass the complainant.</p> <p>The complainant felt this lack of respect and abhorrent attitude was unacceptable for anyone holding public office.</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 Code of Conduct cannot be addressed and should be pursued separately.</p>	<p>Paragraphs 9, 10 and 12 The issue was not considered to be sufficiently serious to warrant further action.</p>
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