



CODE OF CONDUCT FOR COUNCILLORS DECISION NOTICE: TO DISPOSE OF COMPLAINTS BY MEANS OF SUMMARY RESOLUTION

The complaints of Mayfield Parish Council ('the Parish Council'):

As the Monitoring Officer for East Staffordshire Borough Council (ESBC), I have now had sight of the finalised investigation report (9th August 2022) relating to the Code of Conduct complaints of the Parish Council received in 2021.

A significant amount of time has already been spent investigating this matter and I take the view that it serves no purpose to repeat the conclusions of the Investigating Officer ('IO') in this Decision Notice. Those who have been a party to the investigation have been served with a copy of the final investigation report and appendices ('the report') and will by now understand the contents and the conclusions which have been reached by the IO.

In keeping with how the complaints are referred to in the report, I will now summarise the conclusions of the IO as follows:

Complaint 1

The complaint of Ms Nicola Taylor-Smith's (page 12 of the report) against Councillor Albert Golding has resulted in a finding by the investigator that Councillor Golding **DID** breach the Code. In that: (a) he showed a persistent lack of respect to Ms Taylor-smith, (b) that he undermined her professional integrity and (d) caused a disproportionate and inappropriate amount of work through his requests.

However, the IO was of the view that the behaviour of Councillor Golding in totality did **NOT** amount to bullying (c).

Complaint 2

The findings of the IO following the complaint of Ms Lesley Brown (page 13 of the report) are that Councillor Golding **DID** breach the Code under the heading of respect, but that Councillors Bridgett and Watson did **NOT** breach the Code.

Complaint 3

The complaints made by Councillor Golding and former Councillors Kevin Coates, Mark Cotton and Ash Wildsmith (page 13/14 of the report) against Councillor Watson could not be substantiated by the IO. Councillor Watson therefore did **NOT** breach the Code.

Complaint 4

The complaint of Mr Alexander Blackwell (page 14 of the report) against Councillor Watson was not substantiated by the IO and did **NOT** breach the Code.

However, when considering the second element of this complaint, the IO found that Councillor Croll **HAD** breached the Code; to the extent that he should not have spoken or voted when the Parish Council were considering referring 'the Farm' application back to ESBC.

It is however suggested by the IO that there was mitigation at play: and arguably Councillor Croll was speaking on behalf of fourteen residents who had made complaints. Furthermore the allegation that Councillor Croll had sought to "destroy" or otherwise inappropriately harm the character and business of Mr Blackwell, was **NOT** accepted by the IO.

Conclusion:

In consultation with the Independent Person and following a distillation of the investigation which took place, it would appear that there are two breaches at play:

1. Councillor Golding: in that he has failed to show respect in two separate instances;
2. Councillor Croll: on the issue of voting and an appearance of bias.

As the Monitoring Officer I accept the findings of the IO and having considered the breaches detailed by the report and the nature of those breaches, I am of the opinion that these matters can reasonably be resolved by Summary Resolution.

Having given thought to whether a hearing is necessary at this stage, I am strongly of the view that revisiting these complaints, which have already been investigated and considered at length and over a significant period of time, has little merit. Furthermore there does not, in my opinion, appear to be any obvious benefit or compelling reason to refer this matter for a hearing. Doing so would only serve to prolong this unpleasant chapter of complaints.

Therefore to reiterate, I am of the view that there are resolutions available at this stage which could adequately address the aforementioned breaches and sufficiently conclude this matter. I details these as follows:

Decision (recommendation to the Parish Council):

- **For each breach of the Code, Councillor Golding should make a formal apology to Ms Taylor-Smith and Ms Brown at the next Parish Council meeting. Alongside this, Councillor Golding should undertake further training in respect of the Code and the Nolan Principles, with a focus on the principle of respect.**

And;

- **Councillor Croll should undertake further training in respect of the Code and the Nolan Principles, with a focus on Councillor interests and the appearance of bias.**

In addition to the above, I am of the view that training generally for the Parish Council as a whole in respect of decision making and the Code would be of significant benefit to all concerned, whilst perhaps also serving to promote a greater degree of cohesion. I make this comment as a suggestion, rather than

a recommendation, but I would hope that the benefit of undertaking the suggested type of training would be obvious to all.

Notice of decision

This decision notice will be sent to the Complainants; to the Members against whom the allegations were made; and to the Parish Clerk. The decision will also be reported to the next meeting of the Council's Standards Committee.

Appeal of decision

There is no right of appeal for the Complainant or for the Councillor against a decision of the Monitoring Officer.

If someone feels that the Council has failed to deal with a Complaint properly, they may make a complaint through the Council's ordinary complaints process. This process would not re-consider the original complaint but would consider the way in which the complaint had been handled.

Terms of reference and Complaints Procedures

The Terms of Reference of the Standards Committee and its Complaints Procedures are available on the Council's website (www.eaststaffsbc.gov.uk) and from the Monitoring Officer.

Additional Help

If you need additional support in relation to this decision notice or future contact with us, please let us know as soon as possible. If you have difficulty reading this decision notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

We can also help if English is not your first language.

Signed: John Teasdale

Date: 17th August 2022

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