

## STANDARDS COMPLAINT DECISION NOTICE

Subject Member:	Councillor D. Robinson
Parish Council:	Winster
Complainant:	Mr. R. Greatorex
Panel Members:	Councillor S. Bull (Chair) Councillor J. Allison Councillor T. Donnelly Councillor M. Ratcliffe Councillor S. Wain
Monitoring Officer:	James McLaughlin
Deputy Monitoring Officer:	Lee Gardner
Investigating Officer:	Mr. A. Oram (ch&i associates)
Independent Person:	Mr. S. Dunning
Democratic and Electoral Services Manager:	Jason Spencer
Date of Hearing:	Thursday 5 November 2020

The hearing was held to consider whether Councillor D. Robinson of Winster Parish Council had failed to comply with the Parish Council's Code of Conduct.

This hearing was convened in accordance with Hearing Procedure approved by the Governance and Resources Committee on 22 October 2020, which was in accordance with the requirement of the Localism Act 2011 to have procedure in place for the determination of complaints that a Member may have breached the Members' Code of Conduct.

The Panel had received notification from Councillor Robinson that he did not wish to attend the hearing. The Panel decided to consider the matter in Councillor Robinson's absence. In doing so the Panel took into account the following matters:-

- Councillor Robinson had engaged with the Deputy Monitoring Officer during the initial assessment stage and provided his perspective on the matters referred to within the complaint
- The complaint had been outstanding for a considerable period
- Councillor Robinson had been notified of the date and time set for the hearing for a reasonable time
- The investigating officer was in attendance and had prepared for the hearing to take place.

Having had regard to the advice of the Monitoring Officer in respect of the public interest, the Panel determined to consider the complaint in private on the grounds that paragraphs 1 and 2 of Schedule 12A to the Local Government Act 1972 applied (information relating to any individual or which is likely to reveal the identity of any individual).

The complaint was submitted by Mr Greatorex, Clerk of Winster Parish Council, who alleged that, during a parish council meeting held on 4 November 2019, Councillor Robinson made personal, derogatory remarks which were critical of his conduct as Parish Clerk. Mr Greatorex further alleged that Councillor Robinson failed to declare a Disclosable Pecuniary Interest (DPI) in a matter under discussion at the same meeting; an interest that should (and was not) be included in his Register of Member Interests.

The Panel then heard oral and read written findings from the Investigating Officer, Mr. A. Oram, and considered all documentation in respect of the initial assessment of the complaint undertaken by the Deputy Monitoring Officer. The Investigating Officer's report set out the details of the complaint, the evidence gathered as part of the investigation and the conclusions reached.

Having considered the Investigating Officer's report, the Panel concluded that Councillor Robinson was acting in his capacity as a Parish Councillor at the time of the alleged breach of the Members' Code of Conduct.

The Panel then heard further from the Investigating Officer as to whether Councillor Robinson had breached the Members' Code of Conduct.

The Panel concluded, after having consulted with the Independent Person, that Councillor Robinson failed to treat Mr. Greatorex with respect/ value him as a member of staff during the meeting of Winster Parish Council held on 4 November 2019 and considered this to be a breach of the Code of Conduct, specifically in respect of the following provisions:-

- Holders of public office must treat others with respect and must not pursue a course of conduct which amounts to bullying or harassment of another
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government
- Always treating people with respect, including the organisations and public I engage with and those I work alongside

The Panel also concluded, after having consulted with the Independent Person, that Councillor Robinson breached the Members' Code of Conduct following his failure to include his employment in his Register of Member Interests within the necessary 28 days.

The Panel concluded that Councillor Robinson did not have a Disclosable Pecuniary Interest in any matter before Winster Parish Council at its meeting on 4 November 2019 and did not find him in breach for failing to declare one.

The Panel, having consulted with the Independent Person, resolved that the following actions be taken:

1. That the Monitoring Officer provide training to all Members of Winster Parish Council in respect of the Code of Conduct and statutory requirements in respect Registers of Interest, Declarations of Interest and the ethical framework.
2. That the Monitoring Officer be instructed to attend Winster Parish Council to present the conclusions and recommendations of this Panel.
3. That Winster Parish Council seek support from the Derbyshire Association of Local Councils (DALC) in respect of accessing mediation services to improve working relationships between elected Members and Parish Council officers through more effective communication and improved conduct.
4. That Winster Parish Council establish a clear Member Officer protocol, developed by Members and officers, that establishes and ingrains agreed parameters in line with the Parish Council's Standing Orders and Scheme of Delegation.
5. That the Chairman of the Parish Council be provided with specialist training on chairing skills.

In making these recommendations, the Panel acknowledged broader concerns in respect of governance and culture at Winster Parish Council, with working relationships having been complicated by the circumstances surrounding the complaint arising from the meeting on 4 November 2019. The purpose of these recommendations is three-fold.

Firstly, a review of the Parish Council's governance should give all councillors and officers confidence that the right tools are in place to allow the Council to operate effectively.

Secondly, the training and guidance provided should seek to address any weaknesses in an individual's understanding of the Council's procedures; its administrative requirements; its standing orders, the Code of Conduct and local government practice more generally. It should also seek to improve the skills of members in understanding the extent and limits of their respective roles, and in working together with officers for the benefit of the community.

Thirdly, the training on conflict resolution should seek to improve the skills of members and the clerk in more effectively dealing with and resolving conflict. It is hoped that this will avoid the Council's time and resources being wasted on personal conflicts and arguments.

It is hoped that by implementing these recommendations any personal conflicts will be resolved, acceptable standards of behaviour will be established and the Parish Council will run in a proper manner that will command the respect of the community.

Based on the information provided to the Hearing Panel, Members firmly believe that these recommendations are necessary to ensure that the Council functions effectively in the future and that this constructive process is in the public interest, and therefore in the interests of the complainant and parish councillors themselves.

### **Right of Appeal**

Subject to judicial review or a decision of a Local Government Ombudsman, there is no right of appeal against the decision of the Governance and Resources Hearing Panel.