

Notice of Meeting

Standards Committee Hearing Panel

**Thursday, 14th October, 2010 at 10.30
am**

**in Chief Executive's Office Council Offices
Market Street Newbury**

Date of despatch of Agenda: Wednesday, 6 October 2010

For further information about this Agenda, or to inspect any background documents referred to in Part I reports, please contact Moira Fraser (01635) 519045 or mfraser@westberks.gov.uk.

Further information and Minutes are also available on the Council's website at www.westberks.gov.uk



To: **Independent Members:** James Rees
Councillors: Gwen Mason
Parish Councillors: Tony Renouf, Crissy Clemson

Agenda

Part I

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1. **Election of Chairman**
2. **Apologies**
To receive apologies for inability to attend the meeting (if any).
3. **Declarations of Interest**
To receive any Declarations of Interest from Members.
4. **Assessment of Code of Conduct Complaint - PC5/10** 1 - 16
Purpose: To consider whether there has been a breach of the Code of Conduct and if so what sanction, if any, should be imposed.

Andy Day
Head of Policy and Communication

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Agenda Item 4.

Complaint Ref:	PC5/10	Item 4
Report to be considered by:	Hearing Panel	
Date of Meeting:	14 October 2010	
Purpose of Report:	To consider a complaint received from Martyn Sheppard (<i>complainant</i>) in respect of Councillor Derek Woad (<i>Subject Member</i>) from Burghfield Parish Council received on 24 May 2010.	
Paragraphs of the Code of Conduct that the complaint might relate to: <ul style="list-style-type: none">• failing to treat others with respect• bringing an office or authority into disrepute• using your position as a member improperly to confer or secure an advantage or disadvantage		

Monitoring Officer's Details	
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Monitoring Officer's Report

1. Introduction

- 1.1 A complaint was received from Martyn Sheppard on 24 May 2010 concerning an alleged breach of the Code of Conduct by Councillor Derek Wod. The complaint was considered by the Assessment Sub-Committee of West Berkshire Council's Standards Committee on 09 June 2010 where it was decided to refer the allegation to the Monitoring Officer for further investigation.
- 1.2 Mr Richard Taylor was appointed to investigate the matter on behalf of West Berkshire Council. Mr Taylor's report was received by West Berkshire Council on 19 August 2010 and the findings were considered at a Consideration and Hearing Sub-Committee meeting on 03 September 2010.

2. Summary of Complaint

- 2.1 The Complaints investigated alleged that Councillor Woad following his resignation as a Handybus driver:
- sent two 'abusive and threatening' emails to Mr Sheppard (dated the 10 and 12 May).
 - Following receipt of a letter of resignation (received and acknowledged by Mr Sheppard) that 'suddenly and unexpectedly Mr Sheppard received a note through his door, returning the bus keys, credit card and various paperwork, together with a demand for him to remove all other bus related items from his house by 10.30 the next morning' which he collected.
 - Mr Sheppard states that he then received two emails from Mr Woad on the 10 and 12 May. Mr Sheppard feels that the 'content of the emails was totally inappropriate for someone in his position as a Parish Councillor'.
 - Mr Sheppard believes that 'we should always expect the highest ethical standards from our councillors' and that 'using his position in such an abusive and threatening way cannot be tolerated'.
- 2.2 The Assessment Sub-Committee concluded that Mr Woad might have breached the following paragraphs of the Code of Conduct:
- failing to treat others with respect
 - bringing an office or authority into disrepute
 - using your position as a member improperly to confer or secure an advantage or disadvantage
- 2.3 Mr Taylor's report concluded that Councillor Woad:

"In my view, he is, therefore, guilty of a breach of failing to treat others with respect and bringing his office and his Authority into disrepute.

I do not think that he is guilty of using his position as a member improperly to confer or secure an advantage or disadvantage because, although he threatened to do so, this did not happen.”

3. Conclusion

- 3.1 The Hearing Panel is required to decide if it concurs with the conclusion that there was a failure to comply with the Code of Conduct and if so what, if any, sanction should be imposed.

Appendices

Appendix A - Investigator's Report (This Appendix is confidential and therefore Part II)
Appendix B – Written Statement from Mr Graham Reeves

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By virtue of paragraph(s) 1, 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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Written Witness Statement from Graham Reeves

Firstly let me say that I cannot add to or detract from the evidence the Panel has concerning Roger's alleged comments regarding Martyn Sheppard's application to Burghfield Parish Council for grant aid for the purchase of a "Chairman "car. I knew about the application and about Roger's alleged comments but only from phone conversations with Martyn.

Secondly I would echo Martyn's praise for the time and effort Roger willingly contributed to local community transport, both for Martyn's organisation and mine (Carebus) and for the excellent rapport he had with the passengers he carried.

Thirdly I have to say that in my experience of Roger's work for Carebus he was always, I am sorry to say, rather cavalier and dismissive in response to management efforts to regulate his work. This was always particularly difficult related to journey records and vehicle damage reports. I can fully understand therefore that when the new Handybuses arrived this year and Paul Hyde in West Berkshire Council's Transport Team lectured everyone about controlling the reporting and repair of damage, that Martyn felt that he had to "bite the bullet" and confront Roger.

Lastly I have to record that Roger wanted to continue to work with my group (Carebus) after resigning from Martyn's group, but that in view of the above I told him that would not be possible. This resulted in me receiving emails of the same nature as those obviously received by Martyn, the last of which suggested that I should rename Carebus Volunteer Group as DON'T Carebus Volunteer Group. I am afraid I did not keep copies, but they did not contain reference to the Burghfield Parish Council issue.

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