

## Newbury Town Council Code of Conduct

### STATEMENT OF COMPLAINTS

**To:** The Monitoring Officer, West Berkshire District Council  
**Subject Member:** Councillor Ruwan Uduwera-Perera  
**Complainant:** Newbury Town Council (NTC)

**On behalf of Newbury Town Council I am writing to ask you to investigate two potential breaches of NTC's Code of Conduct, marked herein as Complaint 1 and Complaint 2:**

**Complaint 1:** That on 29<sup>th</sup> May 2014 the Subject Member while Deputy Leader of NTC behaved towards a member of staff in such a way that a reasonable person would regard as:

- a) disrespectful, contrary to Paragraph 1 of the NTC Code of Conduct; and
- b) bullying and intimidatory, contrary to Paragraph 2 of the NTC Code of Conduct.

#### ***Evidence in support of Complaint 1***

Following an investigation by a Grievance Sub-Committee (GSC) appointed in accordance with NTC's Grievance Policy, NTC has upheld a grievance by Chief Executive Officer Mr Graham Hunt that on 29<sup>th</sup> May 2014 in a one-to-one meeting with Mr Hunt, Councillor Uduwera-Perera behaved in an unprofessional manner which could have been interpreted as being intimidatory and bullying towards Mr Hunt, and that in doing so Councillor Uduwera-Perera acted in breach of the Council's Dignity at Work Policy.

In particular it has been found that Councillor Uduwera-Perera:

- I. raised his voice and spoke to Mr Hunt in an unprofessional manner;
- II. told Mr Hunt to go home before the meeting that Mr Hunt was due to have with him and the Leader of Council had started/concluded;
- III. told Mr Hunt not to take notes of the discussion;
- IV. made allegations that Mr Hunt was responsible for an issue relating to the Town Council's insurance policy

#### ***Background information to Complaint 1 (not part of the substantive complaint)***

Councillor Uduwera-Perera declined to be interviewed by the GSC investigating the matter.

NTC's Staff Sub-Committee met on 22<sup>nd</sup> August to consider the findings of the GSC. The findings were upheld, namely that Councillor Uduwera-Perera should be:

1. recommended to undertake assertiveness training;
2. asked to apologise in writing to Mr Hunt for his behaviour;

3. asked to retract in writing the statements he made to Mr Hunt;
4. asked to give a written undertaking to modify his behaviour in future;

In addition, the Staff Sub-Committee upheld the GSC's recommendation that:

5. Councillor Uduwera-Perera should be advised not to meet with Mr Hunt alone in future and that if there is a requirement for Mr Hunt and Councillor Uduwera-Perera to be in the same meeting then at least one other person should be required to be present throughout;
6. The matter should be referred to the Monitoring Officer at West Berkshire Council as a potential breach of Newbury Town Council's Code of Conduct.

The Locum Town Clerk wrote to Councillor Uduwera-Perera on 26<sup>th</sup> August to inform him of the Staff Sub-Committee's decision. Councillor Uduwera-Perera replied on 27<sup>th</sup> August stating that he "did not accept the findings of this so-called investigation".

At the time of writing Councillor Uduwera-Perera has not written to Mr Hunt as asked.

Mr Hunt has authorised that the paperwork relating to the Grievance Sub-Committee investigation and its conclusions be made available to the Monitoring Officer in support of this complaint and to assist with any investigation.

**Complaint 2:** That on 19<sup>th</sup> May 2014 the Subject Member while Deputy Leader of NTC behaved towards a member of staff in such a way that a reasonable person would regard as disrespectful, contrary to Paragraph 1 of the NTC Code of Conduct.

***Evidence in support of Complaint 2***

Following an investigation by a Grievance Sub-Committee (GSC) appointed in accordance with NTC's Grievance Policy, NTC has upheld a grievance by Services Manager Mr Granville Taylor that on the morning of 19<sup>th</sup> May 2014 Councillor Uduwera-Perera insulted him verbally in front of other staff and members, in breach of the Council's Dignity at Work Policy.

In particular it has been found that following a disagreement with Mr Taylor in the Town Hall office (where two other members and another officer were also present), Councillor Uduwera-Perera made a reference to "Numpty Officers" and "a Numpty Ex-Prison Officer" in a raised voice before leaving the Town Hall.

***Background information to Complaint 2 (not part of the substantive complaint)***

Councillor Uduwera-Perera declined to be interviewed by the GSC investigating the matter.

NTC's Staff Sub-Committee met on 22<sup>nd</sup> August to consider the findings of the GSC. The findings were upheld, namely that:

1. Councillor Uduwera-Perera should be asked to apologise unreservedly/ unconditionally in writing to Mr Taylor for his behaviour;
2. If such an apology is not made within five days then the matter should be referred to the Monitoring Officer at West Berkshire Council as a potential breach of Newbury Town Council's Code of Conduct.

The Locum Town Clerk wrote to Councillor Uduwera-Perera on 26<sup>th</sup> August to inform him of the Staff Sub-Committee's decision. Councillor Uduwera-Perera replied on 27<sup>th</sup> August stating that there was no need to wait for the five days because he "did not accept the findings of this so-called investigation". At the time of writing Councillor Uduwera-Perera has not written to Mr Taylor as asked.

Mr Taylor has authorised that the paperwork relating to the Grievance Sub-Committee investigation and its conclusions be made available to the Monitoring Officer in support of this complaint and to assist with any investigation.

***Further background information to both complaints (not part of the substantive complaints)***

The Town Council understands that the complaint submitted on 8 September 2014 has been misconstrued due to ambiguity in the last sentence of the document submitting the complaints.

As a result, the matter referred for investigation is not in fact either of the substantive matters complained about by the Town Council on 8 September, although the Town Council agrees that the matter being investigated is indeed a further potential breach of Paragraph 1 of the Town Council's Code of Conduct.

For the avoidance of doubt, the complaints being submitted by the Town Council herein are as recorded above and labelled **Complaint 1** and **Complaint 2**. All of the other information in this document is supplementary to the two substantive complaints. Further written evidence in support of both complaints is available on request.

If you have any queries, please do not hesitate to contact me.

Yours faithfully



**Granville Taylor**  
Acting Chief Executive Officer, Newbury Town Council

4<sup>th</sup> November 2014