

Initial Assessment of Complaint – NPC5/14

Complaint

On 22 April 2015, the Monitoring Officer and Independent Person of this Authority considered a complaint from Mr Granville Taylor (on behalf of Newbury Town Council) concerning the alleged conduct of Mr Ruwan Uduwera-Perera, a former member of Newbury Town Council (NTC).

A general summary of the complaint is set out below:

- Mr Taylor alleges that on 29th 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.
- In particular he alleges that the then Councillor Uduwera-Perera raised his voice and spoke to Mr Hunt (the then Chief Executive Officer) in an unprofessional manner; 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; told Mr Hunt not to take notes of the discussion and made allegations that Mr Hunt was responsible for an issue relating to the Town Council's insurance policy.
- Mr Taylor alleges that on 19th 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.
- In particular following a disagreement with Mr Taylor in the Town Hall office, former Councillor Uduwera-Perera made a reference to "Numpty Officers" and "a Numpty Ex-Prison Officer" in a raised voice before leaving the Town Hall.

Potential breaches of the Code of Conduct identified

The following potential breaches of the Code of Conduct were discussed:

Member obligations:

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory-

Decision

In accordance with the Localism Act 2011, following the initial assessment the Monitoring Officer is able to decide on one of the following four outcomes:

1. the complaint will be investigated fully by an independent investigator;
2. no further action will be taken on your complaint;
3. some form of informal resolution will be sought;

4. the matter will be referred to the Director of Public Prosecution or the Police where it is suspected that some form of criminal conduct has occurred in relation to interests that have not been disclosed.

The Monitoring Officer in consultation with the Independent Person has concluded that in this case:

- while not making any findings of fact, if the allegations were substantiated they may constitute a breach of the Code of Conduct and therefore the allegation should be referred for investigation.
- They also noted the comment in the subject member's response about alleged breaches of the 'Misconduct in Public Office' legislation. They considered that this if the subject member wished to pursue this, this is a matter which the subject member should properly refer to the Thames Valley Police as the Standards Committee does not have authority to deal with this matter.

In considering the complaint the Monitoring Officer in consultation with the Independent Person had regard to the Newbury Town Council's Code of Conduct, the information submitted by the complainant and the information submitted by the subject member.

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the Chief Executive Officer of Newbury Town Council.

What happens now?

Investigation

The Monitoring Officer will appoint an external investigator to undertake an investigation on behalf of the Standards Committee. The Council will notify the complainant and subject member of the details of the investigator who will contact them in due course to arrange an interview with them. In addition the investigator may wish to interview additional witnesses. All information provided to the Standards Committee already will be given to the investigator. You may wish to consider whether there is any additional information you would want them to consider.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

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

West Berkshire Council is committed to equality of opportunity. We will treat everyone with respect, regardless of race, disability, gender, age, religion or sexual orientation.

If you require this information in a different format, such as audio tape, or in another language, please ask an English speaker to contact Moira Fraser on Telephone 01635 519045, who will be able to help.

Signed Date

Monitoring Officer:.....

Signed Date
Independent Person.....