

<b>Complaint Ref:</b>	<b>NPC4/15</b>
<b>Report to be considered by:</b>	<b>Governance and Ethics Committee</b>
<b>Date of Meeting:</b>	14 March 2016
<b>Purpose of Report:</b>	<b>To consider the Investigator's report about a complaint received from Mr Mike Dennett (<i>complainant</i>) in respect of Councillor Christopher Lewis (<i>Subject Member</i>) from Stratfield Mortimer Parish Council (SMPC) submitted on 12 August 2015.</b>
<b>Recommended Action:</b>	<p><b>The Governance and Ethics Committee is asked to consider:</b></p> <ul style="list-style-type: none"> <li><b>a) Whether or not they agree with the findings of the Investigator in relation to the complaint;</b></li> <li><b>b) If they agree with the investigators' report the nature of any sanctions that should be applied.</b></li> <li><b>c) If they disagree with the Investigator's conclusions set out the reasons for doing so.</b></li> </ul>
<p><b>Paragraphs of Stratfield Mortimer Parish Council's Code of Conduct that the complaint might relate to:</b></p> <p>3.1. Treat members, officers, members of the public and service providers with courtesy and respect and do not engage in bullying or intimidating behaviour or behaviour which could be regarded as bullying or intimidation</p>	

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<b>Governance &amp; Ethics Chairman's Details</b>	
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# Monitoring Officer's Report

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## 1. Introduction

- 1.1 Complaint, NPC4/15 refers to a complaint made by Mr Mike Dennett (Chairman of Stratfield Mortimer Parish Council) which was received by the Monitoring Officer on the 12<sup>th</sup> August 2015. The complaint claimed that Councillor Chris Lewis may have breached Stratfield Mortimer Parish Council's Code of Conduct. The breach related to section 3.1 of the Code of Conduct which required councillors to treat fellow Councillors and Officers with courtesy and respect and prohibited them from engaging in bullying or intimidating behaviour (or behaviour which may be regarded as such). The allegations concerned the content of two letters written by Councillor Lewis dated 10<sup>th</sup> and 12<sup>th</sup> July 2015 respectively.
- 1.2 The complaint was initially assessed on Thursday 10 September 2015 by the Monitoring Officer and Independent Person (Lindsey Appleton). They concluded that, 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. Ms Liz Howlett was appointed to investigate the matter on behalf of West Berkshire Council. Ms Howlett's final report was received by West Berkshire Council on 29 January 2016 and concluded that a breach of the Code of Conduct had occurred.
- 1.3 The Advisory Panel met on the 11 February 2016 to consider if it concurred, based on the information set out in the report, with the Investigator's conclusion. The Advisory Panel were then required to make a recommendation to the Governance and Ethics Committee to make a final determination on the matter.
- 1.4 The Advisory Panel concurred with Ms Howlett's report and believed there to be evidence of a breach in respect of NPC4/15.
- 1.5 The Advisory Panel recommendation is set out in the attached Decision Notice.

## 2. Conclusion

- 2.1 The Governance and Ethics Committee are required to decide:
  - a) If they concur with the Investigator's findings that there was a failure by the Subject Member to comply with Stratfield Mortimer Parish Council's Code of Conduct and whether or not they agree with the recommendation of the Advisory Panel.
  - b) If the Committee agree with the Investigator's conclusions to determine the sanctions to be imposed as regards the Subject Member

or

  - c) If they do not agree with the Investigator's conclusions their reasons for doing so

## Appendices

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Appendix A - Investigator's Report

- Appendix B – Response to the Investigator’s Report by the Subject Member  
Appendix C – Response to the Subject Members Comments of the Investigator’s Report  
by the Complainant  
Appendix D - Advisory Panel Decision Notice  
Appendix E - Sanctions That can Be Applied

### **Additional Information Provided**

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- 1) Stratfield Mortimer Parish Council’s Code of Conduct
- 2) The original complaint form
- 3) and complaint,
- 4) the original response from the subject member
- 5) Letters Dated:
  - a) 10 July 2015
  - b) 12 July 2015
  - c) 24 July 2015
  - d) 28 July 2015
  - e) 22 October 2014
  - f) 04 March 2015
- 6) the Initial Assessment Notice

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