

**Statement by Councillor Mike Dennett, Chairman Stratfield Mortimer Parish Council as part of Section 4 of the Complaint Form completed by me in respect of the actions of Councillor Christopher Lewis also Stratfield Mortimer Parish Council**

Mr Lewis was elected a Councillor of Stratfield Mortimer Parish Council at the election of the whole Council on 7<sup>th</sup> May 2015. He was previously a Parish Councillor in Stratfield Mortimer for many years up to 2007. I was elected Chairman of the Council at the Annual Meeting of the Council on 21st May 2015.

The Code of Conduct for Stratfield Mortimer Parish Council is attached to this document. It was adopted on 13<sup>th</sup> September 2012 and has been signed by all Councillors since then and has been signed by all elected councillors following the May 2015 election.

I believe that the actions and events described below have contravened Section 3.1 of the Code of Conduct. This takes into account the relevant rules of interpretation set out in Section 9 of the Code of Conduct. I further consider that some of the points described below contravene the requirement for integrity and specifically that a Parish Councillor should not behave improperly in connection with Parish business.

It is necessary to set out briefly the background to the events which form the subject of this complaint. Our Parish Clerk, Jayne Kirk, has been on sick leave since March 2015 with stress. A grievance has been raised by Mrs Kirk against the Council as her employer and that is being dealt with in accordance with standard procedures. Her legal advisers have also indicated a claim against the Council possibly amounting to constructive dismissal. I consider it relevant to this particular complaint that a main part of her grievance is the alleged harassment caused by Mr Lewis when a member of the public from 2007 to 2015. The Council has often considered what independent advisers have described as a campaign against the Council and the Clerk by Mr Lewis during that period. One of the allegations from the Clerk is that the Council failing to end the harassment from Mr Lewis is a major factor in her considering a claim for constructive dismissal.

As parts of this complaint refer to the views that Councillor Lewis has now expressed currently in connection with the Clerk and the current legal proceedings and the way they have been put to me as an individual Councillor and Chairman, that background is I consider relevant to this complaint.

Four emails / letters sent to me by Councillor Lewis dated 10<sup>th</sup>, 12<sup>th</sup>, 24<sup>th</sup> and 28<sup>th</sup> July 2015 are attached and form the basis for this complaint. In the first two of these communications Cllr Lewis refers to his letters to the Council of October 2014 and March 2015 written whilst a member of the public. I have therefore also attached these.

I do not complain of the raising so many detailed procedural matters when the Clerk is on sick leave (see letters of 10<sup>th</sup> July and 24<sup>th</sup> July). The Council is in the process of updating its policies as recorded in the minutes of the Finance and General Purposes Committee of 3 November 2014 at which Mr Lewis was present as a member of the public. The Clerk's absence has slowed this process, but the situation will be considered at the next meeting of Finance and General Purposes Committee on 8<sup>th</sup> September 2015.

It is the tone and approach and some specific comments in the communications, written whilst a Councillor, which I consider constitute breaches of the Code of Conduct by Councillor Lewis.

1. I regard the end of the first paragraph of the letter dated 10<sup>th</sup> July 2015 as threatening me and seeking to influence the work of the Council and the position of the Chairman and Vice Chairman (Councillor Julian Earl) in an improper way.
2. At the end of Section 4 of letter dated 10<sup>th</sup> July, there is a reference to stating points publicly on Facebook pages. This is said to be specifically in connection with the cost of clerking. I consider it relevant that the cost of clerking was a constant factor raised over the 8 years by Mr Lewis as a member of the public which was considered by the Council and by independent advisers as harassment of the Council and the Clerk and action was taken accordingly.
3. The email dated 12<sup>th</sup> July 2015 repeats a number of points from the letter dated 10<sup>th</sup> July 2015. Again, under Section 2 there is a threat to contact the Auditors in connection with failures by the Clerk in respect of financial regulations. Those matters have been the subject of constant correspondence. They have been refuted by the Council and the continual raising of them is a central point in the Clerk's claim against the Council.
4. I regard the section of the email dated 12<sup>th</sup> July 2015, referring to possible criminal acts by the Clerk as wholly improper and outside the conduct appropriate to a member of the Council. The reference to potential criminal acts has been made before by Mr Lewis as a member of the public including his mentioning possible fines and prison sentences which could apply. I and other Councillors who have worked on these matters do not consider these allegations have substance. The Full Council agreed with this view when they were presented to them during Part II Confidential Council meetings in February and March 2015. However, in respect of this specific complaint, it is the further associated wording which I consider creates a breach of the Code of Conduct, specifically the requirement to act properly and with integrity by a Councillor. I cannot see that it is proper for a Councillor to essentially say that if they are happy with any settlement made by the Council with the Clerk, he will not independently pursue previously raised criminal allegations against the Clerk but if he is not satisfied, he will do so. That is in specific connection with a claim by the Clerk against the Council based to a very large extent on the activity of Mr Lewis and his behaviour as a member of the public over a period of seven years;
5. It is recognised that the most recent email (28th July) attached indicates that he is temporarily willing not to "go public" but even that I consider to be improper in that it is linked to his view of the Council's position on the current employment matters.
6. The sections on the Clerk's pension (communications of 10<sup>th</sup> and 12<sup>th</sup> July) do not agree at all with the Council's records and appears to be based on supposition rather than fact and I consider questions integrity of Councillor Lewis. A report on Pension

arrangements will be given to the next meeting of Finance and General Purposes Committee.

All of the points set out above indicate in my view that Councillor Lewis in his actions towards me as an individual Councillor and Chairman has breached the requirement for respect at 3.1 of the Code of Conduct. I do not consider I have been dealt with sufficient courtesy and respect but in particular, I regard the behaviour and wording of the emails set out above as intimidatory and intending to be intimidatory and amounting to bullying. I am aware that bullying would not normally be an interpretation for one or two incidents. Here we have at least two incidents but the background set out above can, I think, be taken into account in considering the exact interpretation of Councillor Lewis's behaviour as a Councillor.

Further, I believe that the various points considered above provide clear evidence that Councillor Lewis is not acting with integrity and properly in his role as a Councillor and is therefore also contravening the Code of Conduct in this respect.