

# Initial Assessment of Complaint – NPC4/15

## Complaint

On Thursday 10 September 2015, the Monitoring Officer and Independent Person (Lindsey Appleton) of this Authority considered a complaint from Dr Michael Dennett concerning the alleged conduct of Councillor Christopher Lewis, a member of Stratfield Mortimer Parish Council.

A general summary of the complaint is set out below:

Dr Dennett, Chairman of Stratfield Mortimer Parish Council, has alleged that Councillor Lewis has breached section 3.1 of the Parish Council's Code of Conduct by failing to treat fellow Councillors and Officers with courtesy and respect and by engaging in bullying or intimidating behaviour (or behaviour which may be regarded as such). Dr Dennett has set out the following as basis for his reasons that Councillor Lewis has breached the Code of Conduct:

- Councillor Lewis, on the 10 July 2015, used threatening language towards the chairman (Dr Dennett) and the vice-chairman of the Parish Council (Councillor Julian Earl).
- In the same letter Councillor Lewis refers to stating points publicly on Facebook pages in relation to the cost of clerking. However, this had previously been viewed as harassment of the Council and the Clerk by independent advisers.
- The email sent on the 12 July 2015 repeated similar points, however it also made reference to unsubstantiated claims that the Parish Clerk had acted in a criminal manner. This was currently being used in a grievance against the Council by the Parish Clerk for constructive dismissal.

## Potential breaches of the Code of Conduct identified

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

### The Principles

- Honesty and Integrity

### General Obligations:

- failing to treat others with respect
- engaging in bullying or intimidating behaviour

## **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. The Monitoring Officer concluded that a reasonable person could interpret the comments and tone used as being intimidatory.
- This was a complex and longstanding issue and it would therefore be appropriate for an independent investigator to look at the facts in so far as they were relevant to this particular complaint.

In considering the complaint the Monitoring Officer in consultation with the Independent Person had regard to Stratfield Mortimer Parish 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. As the Parish Council has no Clerk in post at the present time no other party has been advised

## **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 Monitoring Officer 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.

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**Signed** ..... **Date** .....

**Monitoring Officer:**.....

**Signed** ..... **Date** .....  
**Independent Person**.....