

<b>Complaint Ref:</b>	<b>NPC1/17</b>
<b>Report to be considered by:</b>	<b>Governance and Ethics Committee</b>
<b>Date of Meeting:</b>	31 January 2018
<b>Purpose of Report:</b>	<ol style="list-style-type: none"> <li>1. To make a determination as to whether a breach of the Code of Conduct has occurred after considering the Investigator's report about a complaint received from Councillor Tony Renouf (<i>Complainant</i>) in respect of Councillor James Spackman (<i>Subject Member</i>) from Woolhampton Parish Council submitted on 09 February 2017.</li> <li>2. Should the Committee determine that a breach of the Code of Conduct has occurred they will need to determine an appropriate sanction.</li> </ol>
<p><b>Paragraphs of the Code of Conduct that the complaint might relate to:</b></p> <p><b>General Obligations:</b></p> <ul style="list-style-type: none"> <li>• failing to treat others with respect</li> </ul> <p><b>Failure to Adhere to the Following Nolan Principles:</b></p> <ol style="list-style-type: none"> <li>1. Integrity</li> <li>2. Accountability</li> <li>3. Honesty</li> <li>4. Leadership</li> </ol>	

<b>Monitoring Officer's Details</b>	
<b>Name:</b>	Sarah Clarke
<b>Job Title:</b>	Head of Legal Services
<b>Tel. No.:</b>	01635 519596
<b>E-mail Address:</b>	Sarah.Clarke@wesberks.gov.uk

**Appendices:**

- Appendix 1 – Members' Code of Conduct Woolhampton Parish Council
- Appendix 2 – Complaint Form and Associated Correspondence
- Appendix 3 – Initial Assessment Decision Notice
- Appendix 4 – Investigator's Report
- Appendix 5 – Submission from Complainant
- Appendix 6 – Submission from Subject Member
- Appendix 7 – Submission from Clerk
- Appendix 8 – Advisory Panel Decision Notice
- Appendix 9 – Sanctions Which Can be Applied

# Monitoring Officer's Report

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## 1. Introduction

- 1.1 A complaint was received from Councillor Tony Renouf on 09 February 2017 concerning an alleged breach of Woolhampton Parish Council's Code of Conduct by Councillor James Spackman. The complaint was considered by the Deputy Monitoring Officer (Andy Day) in consultation with the Independent Person (Mike Wall) on 07 March 2017 where it was decided to refer the allegation for further investigation.
- 1.2 Mr Simon Bull was appointed to investigate the matter on behalf of West Berkshire Council.
- 1.3 The Investigator concluded that there is evidence of a breach, under the revised localism arrangements.
- 1.4 The Advisory Panel met on the 13 December 2017 to consider if it concurred, based on the facts set out in the report, with the Investigator's conclusion. The Advisory Panel then had to make a recommendation to the Governance and Ethics Committee to make a final determination on the matter.
- 1.5 The Advisory Panel concurred with the findings of the Investigator as set out in his report, subject to the amendment of the recommendation to add complaint number five as a breach of the Code.
- 1.6 The Advisory Panel recommended that if the Special Governance and Ethics Committee concurred with the finding that a breach of the Code of Conduct had the following sanctions should be applied:

1. A formal letter be sent to the subject member from the Chairman of the Governance and Ethics Committee indicating the failure to comply with the Code.
5. A local resolution acceptable to the complainant and subject member and sanctioned by the Governance and Ethics Committee including a letter of apology to Councillor Burke and entering into mediation.

*If mediation proved unsuccessful then the following sanction would be applied:*

4. A formal press release sanctioned by the Chairman of the Governance and Ethics Committee summarising the breach.

Councillor James Spackman should also be required to make an unreserved formal apology to Councillor Eve Burke before any consideration was given to allowing him to participate on the Parish Council.

## 2. Conclusion

- 2.1 The Governance and Ethics Committee is required to decide if it concurs with the conclusion that there was a failure to comply with the Code of Conduct and if so what, if any, sanction should be imposed.