

Report to Standards Committee

Subject: Code of Conduct Complaints

Date: 26 February 2015

Author: Council Solicitor and Monitoring Officer

1. Purpose of the Report

To inform Members of the Standards Committee of complaints received between 1 August 2014 and 31 January 2015.

2. Background

- 2.1 Members of the Standards Committee will recall that at the time of the last committee meeting, a complaint about a Parish Councillor was pending. That complaint was received in July 2014 and determined in August 2014. A summary of the complaint is attached at Appendix 1.
- 2.2 Since 1 August 2014, the Monitoring Officer has not received any complaints alleging a breach of the Code of Conduct by either Borough or Parish Councillors. There are no complaints pending.

3. Proposal

It is proposed that the Committee notes the report.

4. Resource Implications

None.

5. Recommendation

It is recommended that the Committee notes the report.

6. Appendices

Appendix 1 – Summary of the Code of Conduct complaints.

APPENDIX 1

Reference: S589/14/04

The complaint was made about Councillor Richard Whincup a Woodborough Parish Councillor by a member of the public.

The complainant complains about the behaviour of the Councillor Whincup, Chairman of Woodborough Parish Council, at the parish council meeting held the evening of Monday, 14th July 2014. A summary of the complaint is as follows:

Following a public session, the Parish Council commenced their meeting with no further questions from the floor being allowed. Mr. M who made a presentation during the open session was asked if he would like to make any further points. He was allowed to do so by Councillor Whincup, against protocol as the Parish were now within their meeting.

The complainant thought he was now permitted to speak, as Mr. M had been. The complainant congratulated Mr. M on his proposal. He then suggested that as not all the flood waters in the village came from the area of the proposed wetland and before Parish Funding was committed to this scheme advice should be sought for other remedies particularly as the Sick Dyke was known to be part of the trouble.

At this point Councillor Whincup slammed his fist onto the table in a threatening and aggressive manner making everyone in the room to literally 'jump'. He then proceeded to shout he had had enough of the complainant and his daughter over the last two years' before continuing 'and that son of yours' (who was not present at the meeting). Councillor Whincup exclaimed that that the complainant's questions about the scheme were personal when in fact it was his behaviour towards the complainant and his daughter which was a personal attack.

Councillor Whincup's account of the incident is slightly different to that of the complainant, although he does agree that he did raise his voice and slap the table with an open palm. He accepts that his outburst could amount to a breach of the code, but believes that the reaction was out of character. He also considers the outburst to be as a result of provocation particularly as the complainant has a history of complaining to and about the Parish Council and has made personal comments about Councillor Whincup and his wife's involvement in the Woodborough wind turbine planning application.

The Clerk's notes do state that Councillor Whincup thumped the table and said that he'd had enough of the complainant's family.

After consultation with the Independent Person, the Monitoring Officer decided that this was an appropriate case, to seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution involved Councillor Whincup accepting that his conduct was unacceptable and offering a meaningful apology to the

complainant for his actions at the meeting on 14 July 2014. Councillor Whincup agreed to offer an apology in order to resolve the complaint and the apology was given before opening the Parish Council meeting on 1 September 2014.

In reaching this decision the Monitoring Officer found that there is a potential breach of the Code of Conduct in relation to the following paragraphs of Woodborough Parish Council's Code of Conduct:

- failure to treat others with respect
- conducting yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute

but no breach of the following paragraph of the Code of Conduct:

- bullying any person

The complaint was resolved informally on the basis that it disclosed a potential breach of the Code, it is not serious enough to merit an investigation in circumstances where the resources needed to investigate are wholly disproportionate to the allegations and there is no overriding public interest in carrying out an investigation.