

## SUMMARY OF CASE DETAILS

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 01</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority:</b>	14/06/2008
<b>Source of Complaint:</b>	Councillor D Sanders
<b>Complaint about town/parish Councillor?</b>	Yes (Terry Venner)
<b>Name of town/parish Council:</b>	Minehead Town Council
<b>Complaint Summary:</b>	
The complainant alleges that Councillor Venner has breached paragraph 4a of the Code of Conduct by disclosing information provided to him in confidence at a meeting of the Town Council held on 11 June 2008.	
<b>Referral Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	
The Panel were of the view that the complaint submitted did not provide sufficient information: a) to allow the Panel to conclude that the alleged conduct, if proven, would amount to a breach of the Code of Conduct; b) to allow the Panel to form a view on the potential seriousness of any breach which may have occurred, and thus whether it should be referred for investigation or other action.	
Therefore the Referral Panel will take no further action on this complaint.	
<b>Date of Decision whether to refer:</b>	08/07/2008
<b>Panel Members:</b>	R Mitchell, Cllr Davies, Cllr Davis
<b>Review requested?</b>	<b>NO</b>

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 02</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority:</b>	12/08/2008
<b>Source of Complaint:</b>	Councillor P Humber
<b>Complaint about town/parish Councillor?</b>	Yes (Geoff Armstrong)
<b>Name of town/parish Council:</b>	Carhampton Parish Council
<b>Complaint Summary:</b>	
<p>The complainant alleges that Councillor Armstrong has breached paragraph 5 of the Code of Conduct, bringing his position and therefore Carhampton Parish Council into disrepute by his behaviour with regards to his trespass and nuisance on the site at Townsend Farm, Main Road, Carhampton.</p>	
<b>Referral Decision:</b>	<b>REFERRED TO MO FOR INVESTIGATION</b>
<b>Reasons for Decision:</b>	
<p>We have identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct:</p> <ul style="list-style-type: none"> <li>• bringing an office or authority into disrepute</li> </ul>	
<b>Date of Decision whether to refer:</b>	09/09/2008
<b>Panel Members:</b>	M Parslow, Cllr Davies, Cllr de Renzy-Martin
<b>Date of Standards Committee determination Meeting:</b>	10/02/2009
<b>HEARING OUTCOME:</b>	<b>NO BREACH</b>
<b>Reasons for Decision:</b>	
<p>The Local Investigation report finding was that there had not been a breach of the Code of Conduct. Based on the facts in the report the decision of the Standards Committee held on 10 February 2009 was as follows:</p> <p>The Code of Conduct only applies when a Member is acting in his official capacity including when he is conducting the business of his authority or acts, or claims to act, in such a capacity or as a representative of that authority. Following the decision in Livingstone v Adjudication Panel for England 2006 the Code of Conduct does not apply to the conduct of members in a private capacity. Thus, it is established that for a Member to be acting in their official capacity they should be engaged in business directly related to the Council or its constituents; and the link between office and the conduct should have a degree of formality.</p> <p>On the basis of the evidence obtained the Standards Committee found that the allegations did not pertain to council business and there was no apparent relationship between the trespass on the development land at Townsend Farm, Carhampton by Councillor Armstrong and any relevant function of the Council.</p> <p>In view of the foregoing factors, the decision of the Standards Committee is that the Code of Conduct does not apply. Accordingly the Standards Committee have decided that Councillor Armstrong did not breach paragraph 5 of the Code of Conduct, namely; Councillor Armstrong did not conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute.</p>	

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 03</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority:</b>	25/09/2008
<b>Source of Complaint:</b>	Mr John Malin
<b>Complaint about town/parish Councillor?</b>	Yes (Jenny Lennon-Wood)
<b>Name of town/parish Council:</b>	Minehead Town Council
<b>Case Summary:</b>	
The complainant alleges that Councillor Lennon-Wood has breached paragraph 3(1) and 3(2)(b) and (c) of the Code of Conduct by writing a letter that was made public in the West Somerset Free Press and failed to treat the complainant with respect and constituted bullying and intimidation.	
<b>Referral Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision</b>	
In relation to the allegation the Review Panel decided that the alleged conduct, if proven, would not amount to a breach of paragraph 3(1) or paragraph 3(2)(b) or paragraph 5 of the Code of Conduct.	
In reaching this conclusion, the Review Panel took into account its guidance on procedures, the original complaint submitted to the Monitoring Officer, and the comments of the complainant to the Monitoring Officer in his letter of 18 November 2008.	
The Review Panel carefully examined the content and wording of the relevant press cuttings from the West Somerset Free Press. On balance, the Review Panel concluded that the words were expressions of opinion. Further, they were of the view that the threshold for a failure to treat another with respect must allow for the passion and frustration that accompanies debate and discussion regarding the running of a council. The Review Panel noted that the complainant had been himself an elected representative until a matter of days prior to the publication of the relevant letters. The Review Panel also took into account that the comments were made in a newspaper which afforded the complainant a platform to defend himself: in fact, the complainant availed himself of this opportunity by virtue of his letter of 15 August 2008.	
The Review Panel concluded that the comments were not disrespectful, intimidating or demeaning behaviour and were not made in a malicious or bullying way.	
In view of all foregoing factors, the Standards Panel concluded that Councillor Lennon-Wood conducted herself in a manner which could not reasonably be regarded as bringing her office or authority into disrepute.	
<b>Date of Decision whether to refer:</b>	14/10/2008
<b>Panel Members:</b>	T Evans, Cllr Westcott, Cllr Sawyer
<b>Review requested?</b>	<b>YES</b>
<b>Date of review request:</b>	18/11/2008
<b>Review Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	
In relation to the allegation the Review Panel decided that the alleged conduct, if proven, would not amount to a breach of paragraph 3(1) or paragraph 3(2)(b) or paragraph 5 of the Code of Conduct.	
In reaching this conclusion, the Review Panel took into account its guidance on procedures, the original complaint submitted to the Monitoring Officer, and the comments of the complainant to the Monitoring Officer in his letter of 18 November 2008.	

**WSLA03 Cont.**

The Review Panel carefully examined the content and wording of the relevant press cuttings from the West Somerset Free Press. On balance, the Review Panel concluded that the words were expressions of opinion. Further, they were of the view that the threshold for a failure to treat another with respect must allow for the passion and frustration that accompanies debate and discussion regarding the running of a council. The Review Panel noted that the complainant had been himself an elected representative until a matter of days prior to the publication of the relevant letters. The Review Panel also took into account that the comments were made in a newspaper which afforded the complainant a platform to defend himself: in fact, the complainant availed himself of this opportunity by virtue of his letter of 28 August 2008.

The Review Panel concluded that the comments were not disrespectful, intimidating or demeaning behaviour and were not made in a malicious or bullying way.

In view of all foregoing factors, the Standards Panel concluded that Councillor Stokes conducted himself in a manner which could not reasonably be regarded as bringing his office or authority into disrepute.

**Date of decision whether to refer on review:** 10/02/2009

**Review Panel Members:** R Mitchell, Cllr Davies, Cllr de Renzy-Martin

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 04</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority</b>	29/09/2008
<b>Source of Complaint:</b>	Mr John Malin
<b>Complaint about town/parish Councillor?</b>	Yes (Simon Stokes)
<b>Name of town/parish Council:</b>	Minehead Town Council
<b>Case Summary:</b>	
<p>The complainant alleges that Councillor Stokes has breached paragraph 3(1) and 3(2)(b) and (c) of the Code of Conduct by writing a letter that was made public in the West Somerset Free Press and failed to treat the complainant with respect and constituted bullying and intimidation.</p>	
<b>Referral Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	
<p>In relation to the allegation the Review Panel decided that the alleged conduct, if proven, would not amount to a breach of paragraph 3(1) or paragraph 3(2)(b) or paragraph 5 of the Code of Conduct.</p> <p>In reaching this conclusion, the Review Panel took into account its guidance on procedures, the original complaint submitted to the Monitoring Officer, and the comments of the complainant to the Monitoring Officer in his letter of 18 November 2008.</p> <p>The Review Panel carefully examined the content and wording of the relevant press cuttings from the West Somerset Free Press. On balance, the Review Panel concluded that the words were expressions of opinion. Further, they were of the view that the threshold for a failure to treat another with respect must allow for the passion and frustration that accompanies debate and discussion regarding the running of a council. The Review Panel noted that the complainant had been himself an elected representative until a matter of days prior to the publication of the relevant letters. The Review Panel also took into account that the comments were made in a newspaper which afforded the complainant a platform to defend himself: in fact, the complainant availed himself of this opportunity by virtue of his letter of 28 August 2008.</p> <p>The Review Panel concluded that the comments were not disrespectful, intimidating or demeaning behaviour and were not made in a malicious or bullying way.</p> <p>In view of all foregoing factors, the Standards Panel concluded that Councillor Stokes conducted himself in a manner which could not reasonably be regarded as bringing his office or authority into disrepute.</p>	
<b>Date of Decision whether to refer</b>	14/10/2008
<b>Panel Members</b>	T Evans, Cllr Westcott, Cllr Sawyer
<b>Review requested?</b>	<b>YES</b>
<b>Date of review request:</b>	18/11/2008
<b>Review Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	
<p>In relation to the allegation the Review Panel decided that the alleged conduct, if proven, would not amount to a breach of paragraph 3(1) or paragraph 3(2)(b) or paragraph 5 of the Code of Conduct.</p> <p>In reaching this conclusion, the Review Panel took into account its guidance on procedures, the original complaint submitted to the Monitoring Officer, and the comments of the complainant to the Monitoring Officer in his letter of 18 November 2008.</p>	

**WSLA04 Cont.**

The Review Panel carefully examined the content and wording of the relevant press cuttings from the West Somerset Free Press. On balance, the Review Panel concluded that the words were expressions of opinion. Further, they were of the view that the threshold for a failure to treat another with respect must allow for the passion and frustration that accompanies debate and discussion regarding the running of a council. The Review Panel noted that the complainant had been himself an elected representative until a matter of days prior to the publication of the relevant letters. The Review Panel also took into account that the comments were made in a newspaper which afforded the complainant a platform to defend himself: in fact, the complainant availed himself of this opportunity by virtue of his letter of 28 August 2008.

The Review Panel concluded that the comments were not disrespectful, intimidating or demeaning behaviour and were not made in a malicious or bullying way.

In view of all foregoing factors, the Standards Panel concluded that Councillor Stokes conducted himself in a manner which could not reasonably be regarded as bringing his office or authority into disrepute.

**Date of decision whether to refer on review:** 10/02/2009

**Review Panel Members:** R Mitchell, Cllr Davies, Cllr de Renzy-Martin

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 05</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority:</b>	12/11/2008
<b>Source of Complaint:</b>	Mr Tony Berry
<b>Complaint about town/parish Councillor?</b>	No (District Cllr – Bryan Leaker)
<b>Case Summary:</b>	
<p>The complainant alleged that Councillor Leaker breached paragraphs 2b, 4 and 5 of the Code of Conduct by failing to treat others with respect, interfering with the democratic process of another local authority by what he is alleged to have said to a canvasser and thereby seeking to gain an advantage for the Conservative candidate in a by-election.</p>	
<b>Referral Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	
<p>The Panel were of the view that, from the information available to the Panel, it was not clear that the alleged statements were made by Councillor Leaker acting in his official capacity as a District Councillor or purporting to do so and therefore not falling within the jurisdiction of the Code of Conduct which does not apply for matters in a Members private life.</p> <p>Therefore the Referral Panel will take no further action on this complaint.</p>	
<b>Date of Decision whether to refer:</b>	09/12/2008
<b>Panel Members:</b>	T Evans, Cllr Freeman, Cllr Sawyer
<b>Review requested?</b>	<b>YES</b>
<b>Date of review request:</b>	05/01/2009
<b>Review Decision:</b>	<b>REFERRED TO MO FOR INVESTIGATION</b>
<b>Reasons for Review Decision:</b>	
<p>The Code of Conduct applies when a Member is acting in his official capacity, including when he is conducting the business of his authority or acts, or claims to act, in such a capacity or as a representation of that authority. Following the decision in Livingston v Adjudicate Panel for England 2006, the Code of Conduct does not apply to the conduct of Members in a private capacity.</p> <p>On the basis of the information available the review panel were unable to ascertain with certainty if Councillor Leaker was acting in an official or private capacity at the time of the alleged incident. Further, and in the alternative on the basis of the information available they were unable to ascertain if Councillor Leaker had engaged in an activity which has a link with the functions of his office to such an extent that conduct in private life is covered by the Code of Conduct.</p> <p>Further, and subject to clarification of part 2 above, the review panel were satisfied that if proven, the relevant paragraph of the Code of Conduct outlined above may have been breached.</p>	
<b>Date of decision whether to refer on review:</b>	25/02/2009
<b>Review Panel Members:</b>	R Mitchell, Cllr Davies, Cllr de Renzy-Martin
<b>Date of Standards Cttee determination Mtg:</b>	08/09/2009

**WSLA05 Cont.**

**Hearing Outcome:**

**NO BREACH**

**Reasons for Decision:**

The Local Investigation report finding was that there had not been a breach of the Code of Conduct. Based on the facts in the report the decision of the Standards Committee held on 8 September 2009 was as follows:

On the basis of the evidence obtained the Standards Committee found that there was no compelling evidence to point towards the determination, on the balance of probabilities, that Councillor Leaker was – at the time of the alleged incident – either conducting any business of WSC, or acting, claiming to act or giving the impression of acting as a representative of WSC and accordingly the Committee found that the subject member did not breach Paragraph 3(1), 3(2)(a), 5, and 6 of the Code of Conduct.

In view of the foregoing factors, the decision of the Standards Committee is that the Code of Conduct does not apply. Accordingly the Standards Committee have decided that Councillor Leaker did not breach the West Somerset Council Code of Conduct.

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 06</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority:</b>	14/05/2009
<b>Source of Complaint:</b>	Mrs Janet Hicks
<b>Complaint about town/parish Councillor?</b>	Yes (Paul Chamberlain)
<b>Case Summary:</b>	
The complainant alleges that Councillor Chamberlain has breached paragraph 5 and 6 of the Code of Conduct in that he did not treat a person with respect, that he brought his office or authority into disrepute and that he used his position improperly.	
<b>Name of town/parish Council:</b>	Watchet Town Council
<b>Referral Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	
The decision of the Panel is that on the basis of the information provided within the complaint, the matters identified and described appear to represent matters over which the Panel does not have jurisdiction or which the Panel is otherwise unable to assess, for the following reasons:	
1.	The matters alleged include issues arising from a private dispute between the complainant and the member in question, which would not represent a breach of the Code.
2.	The matters alleged include issues arising from the private employment of the member who is the subject of the complaint, which would not represent a breach of the Code.
3.	The matters alleged include general allegations which are not substantiated or supported by relevant evidence or information.
4.	Specifically the matters alleged include an allegation of possible interference in the complainant's right to attend a meeting of the Watchet Town Council which is not substantiated or supported by relevant evidence or information.
<b>Date of Decision whether to refer:</b>	08/06/2009
<b>Panel Members:</b>	T Evans, Cllr Davies, Cllr Davis
<b>Review requested?</b>	<b>NO</b>

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 07</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority:</b>	11/06/2009
<b>Source of Complaint:</b>	Councillor Dudley Seale
<b>Complaint about town/parish Councillor?</b>	Yes (Simon Stokes)
<b>Name of town/parish Council:</b>	Minehead Town Council
<b>Case Summary:</b>	The complainant alleges that Councillor Stokes has breached paragraph 3(1) of the Code of Conduct in that he did not treat the complainant with respect.
<b>Referral Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	The matters alleged related to general allegations which were not substantiated or supported by specific evidence or information.
<b>Date of Decision whether to refer:</b>	14/07/2009
<b>Panel Members:</b>	M Parslow, Cllr Westcott, Cllr de Renzy-Martin
<b>Review requested?</b>	<b>YES</b>
<b>Date of review request:</b>	02/08/2009
<b>Review decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Review Panel of the Standards Committee decided (on the basis of the information submitted to the Panel) that in view of the apparent confusion which has occurred in this matter as a result of the official records kept by the Minehead Town Council, the Monitoring Officer should be directed to arrange for the review of the administrative record keeping procedures of Minehead Town Council with particular reference to the keeping of formal minutes of Council and Committee meetings.
<b>Date of decision whether to refer on review:</b>	08/09/2009
<b>Review Panel Members:</b>	T Evans, Cllr Davies, Cllr Sawyer

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 08</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority:</b>	11/06/2009
<b>Source of Complaint:</b>	Councillor Dudley Seale
<b>Complaint about town/parish Councillor?</b>	Yes (Norman Hercock)
<b>Name of town/parish Council:</b>	Minehead Town Council
<b>Case Summary:</b>	
The complainant alleges that Councillor Hercock has breached paragraph 3(1) of the Code of Conduct in that he did not treat the complainant with respect.	
<b>Referral Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	
The matters alleged related to general allegations which were not substantiated or supported by specific evidence or information.	
<b>Date of Decision whether to refer:</b>	14/07/2009
<b>Panel Members:</b>	M Parslow, Cllr Westcott, Cllr de Renzy-Martin
<b>Review requested?</b>	<b>YES</b>
<b>Date of review request:</b>	02/08/2009
<b>Review decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	
In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Review Panel of the Standards Committee decided (on the basis of the information submitted to the Panel) that in view of the apparent confusion which has occurred in this matter as a result of the official records kept by the Minehead Town Council, the Monitoring Officer should be directed to arrange for the review of the administrative record keeping procedures of Minehead Town Council with particular reference to the keeping of formal minutes of Council and Committee meetings.	
<b>Date of decision whether to refer on review:</b>	08/09/2009
<b>Review Panel Members:</b>	T Evans, Cllr Davies, Cllr Sawyer

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 09</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority:</b>	11/06/2009
<b>Source of Complaint:</b>	Councillor Dudley Seale
<b>Complaint about town/parish Councillor?</b>	Yes (Jenny Lennon-Wood)
<b>Name of town/parish Council:</b>	Minehead Town Council
<b>Case Summary:</b>	The complainant alleges that Councillor Lennon-Wood has breached paragraph 3(1) of the Code of Conduct in that she did not treat the complainant with respect.
<b>Referral Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	The matters alleged related to general allegations which were not substantiated or supported by specific evidence or information.
<b>Date of Decision whether to refer:</b>	14/07/2009
<b>Panel Members:</b>	M Parslow, Cllr Westcott, Cllr de Renzy-Martin
<b>Review requested?</b>	<b>YES</b>
<b>Date of review request:</b>	02/08/2009
<b>Review decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Review Panel of the Standards Committee decided (on the basis of the information submitted to the Panel) that in view of the apparent confusion which has occurred in this matter as a result of the official records kept by the Minehead Town Council, the Monitoring Officer should be directed to arrange for the review of the administrative record keeping procedures of Minehead Town Council with particular reference to the keeping of formal minutes of Council and Committee meetings.
<b>Date of decision whether to refer on review:</b>	08/09/2009
<b>Review Panel Members:</b>	T Evans, Cllr Davies, Cllr Sawyer

<b>CASE REFERENCE NUMBER:</b>	<b>WSLA 11</b>
<b>Case Status:</b>	<b>CLOSED</b>
<b>Date Received by Authority:</b>	27/01/2010
<b>Source of Complaint:</b>	Councillor N Parbrook
<b>Complaint about town/parish Councillor?</b>	No – District Councillor G S Dowding
<b>Case Summary:</b>	
The complainant alleges that Councillor Dowding has, by the nature of certain comments contained in email correspondence to fellow Councillors, breached paragraphs 3(1) and 3(2)(a) of the Code of Conduct in that he did not treat others with respect and that he may have caused his authority to breach any of the equality enactments.	
<b>Referral Decision:</b>	<b>NOT REFERRED</b>
<b>Reasons for Decision:</b>	
In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referral Panel of the Standards Committee decided the Monitoring Officer should be directed to arrange for Councillor Dowding to receive appropriate training on the Council's obligations and statutory duties under equalities legislation.	
<b>Date of Decision whether to refer:</b>	09/02/2010
<b>Panel Members:</b>	M Parslow, Cllr Sawyer, Cllr Walker
<b>Review requested?</b>	<b>NO</b>