

**BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK**

**STANDARDS COMMITTEE**

**Minutes of a Meeting of the Standards Committee held on  
Thursday 17 December 2009 at 10.00 am, in the Council Chamber,  
Town Hall, Saturday Market Place, King's Lynn**

**PRESENT:**

Mr M Sale (Chairman - Independent Member),  
Mr G Brierley (Independent Member), Mr J Dawson (Parish Representative),  
Mr H Malik (Parish Representative), Mr D Shepperson (Parish Representative),  
Councillors I Goodson, J Legg, A Tyler, C Walters,  
Nicola Leader (Legal Services Manager/Monitoring Officer)  
Teresa Campion (Investigating Officer/ Deputy Monitoring Officer)  
Wendy Vincent (Democratic Services Officer)

**1 APOLOGIES FOR ABSENCE**

An apology for absence was received from Mr R Steward.

**2 MINUTES**

The Minutes of the Local Assessment Sub Committees held on 28 September 2009, 16 November 2009 and the Full Committee held on 28 September 2009 and Panel Hearing held on 2 October 2009 were agreed as a correct record and signed by the Chairman.

**3 DECLARATIONS OF INTEREST**

None.

**4 REPORT OF THE INVESTIGATING OFFICER (01/09)**

**Borough Councillor, Francis Moreau**

The Investigating Officer, presented her report, which set out the allegations made by the complainant, her investigation into the allegations and her findings. She explained that the Committee would be invited to listen to a tape recording of the messages left on Mr and Mrs Davison's answer machine by Borough Councillor Francis Moreau.

The Investigating Officer advised that two allegations had been made against Borough Councillor Moreau. She had considered the evidence from all parties and determined that there had been no breach of the Code of Conduct in relation to allegation 1. However, after considering all the evidence regarding allegation 2, unfortunately in her view, Councillor

Moreau had not treated Mr and Mrs Davison with respect and there had been a breach of Paragraph 3(1) of the Borough Council's Code of Conduct. Therefore, a Panel Hearing would be convened.

The Committee today were being asked to consider the findings of the Deputy Monitoring Officer's investigation in relation to allegation 1, where no breach of the Code of Conduct had been found.

A complaint was made by Mrs Heather Davison in January 2009 against Borough Mr Francis Moreau. The complaint had been referred for local investigation by the Local Assessment Sub-Committee. The complaint had been investigated under Section 60(2) of the Local Government Act 2000.

### Allegation 1

The complainants expressed dissatisfaction with Councillor Moreau's behaviour in relation to a planning issue near the complainant's home. The complaint was that Councillor Moreau did not respond to correspondence delivered to him by the complainants, and behaved aggressively during subsequent telephone exchanges between Mr Davison and Councillor Moreau.

The Investigating Officer reported that she had interviewed Mr and Mrs Davison separately about their complaint, and took separate witness statements from each of them. Mrs Davison stated that she first became aware of a planning application to build five houses on the allotments behind their house from an advertisement in the local newspaper, The Lynn News.

Mrs Davison rang Councillor Moreau about the planning application around about 20 May 2008. He explained that he was self employed and worked from 6.00 am until 8.00 pm. He indicated he was willing to meet with Mr and Mrs Davison. It was agreed that Mrs Davison would produce a folder of the relevant documents and post them through his letter box. Councillor Moreau agreed to read through these and they agreed to meet. On 21 May 2008 Mrs Davison went to Councillor Moreau's property to hand deliver the folder of correspondence. As Mrs Davison had no response from Councillor Moreau she wrote to Henry Bellingham explaining the couples' concern over the lack of a response from Councillor Moreau. On 7 June 2008 Mrs Davison then wrote to Councillor Moreau and posted the letter by First Class post.

Mr and Mrs Davison attended their local Parish Council meetings where the subject of the planning application came up and that Councillor Moreau did not respond to correspondence. Members of the Parish Council indicated that they had similar problems in contacting Councillor Moreau.

The Clerk to the Parish Council rang Mrs Davison to ask whether it was all right if Councillor Moreau was given their names and informed him of their concerns that he had not responded to their correspondence.

As a result of this Councillor Moreau rang up to speak to Mrs Davison and her husband answered the telephone as she was out at the time. The telephone conversation was recorded on the answer machine. After that Mr and Mrs Davison received four telephone messages on their answering machine from Councillor Moreau on 13 January 2009. They listened to the messages later which only lasted for a few minutes. The messages stated that Mr and Mrs Davison should get a Solicitor as he was going to sue them. Councillor Moreau also demanded an apology.

Mrs Davison provided the Investigating Officer with a copy of the telephone messages allegedly from Councillor Moreau left on their answering machine. The Investigating Officer subsequently produced a written transcript which Mr and Mrs Davison agreed as an accurate record. A copy of the transcript from the telephone answering machine was attached at Appendix C. Councillor Moreau's tone was rude and aggressive. Councillor Moreau did not recall saying anything to provoke this action, but Mr Davison admits he said to Councillor Moreau that "He was useless as a Councillor as he did not appear to do anything." Mr Davison then put the phone down and did not call Councillor Moreau any names. The Committee listened to the tape recording of the messages left on Mr and Mrs Davison's answer machine by Councillor Moreau.

Councillor Moreau responded to the Investigating Officer via correspondence, he claimed that he had initially spoken to Mrs Davison, and that Mr Davison took the phone from Mrs Davison and started shouting at him. Councillor Moreau did not understand everything that Mr Davison said because he was shouting very loudly and at great speed.

Councillor Moreau admitted leaving messages on the telephone answering machine. (He was provided with a copy of the transcript by the Investigating Officer). Councillor Moreau thought, however, that part of the second message left on the tape was missing. Copies of letters and emails between the Investigating Officer and Councillor Moreau were attached at Appendix D.

In summary, the Investigating Officer advised that having heard the evidence from all parties, it would seem the situation might have been exasperated over the delivery or non-delivery of the folder of documents to Councillor Moreau's house. It was clear that there was a heated exchange between Mr Davison and Councillor Moreau, which was not witnessed by any one else. Had there been a witness it would be difficult for them to hear both sides of the telephone conversation, and for those reasons she concluded that in relation to this allegation, she did not find that there had been a breach of the Code of Conduct.

The Investigating Officer responded to questions from members of the Committee.

In response to questions, the Investigating Officer explained that she believed Mr and Mrs Davison were advised to contact Borough Councillor Moreau as their Ward Member in relation to the planning issue near the complainants' home.

The Chairman asked the Legal Adviser to the Committee what test should be applied in this instance. The Legal Adviser explained that the Committee were being asked to consider the findings of the Investigating Officer's report in relation to allegation 1. If the Committee agreed with the findings in that no breach had been found, the matter would be concluded today. However, if the Committee determined there had been a breach of the Code of Conduct in relation to allegation 1, a Panel Hearing would be convened.

The Chairman asked the Committee if they agreed with the findings of the Investigating Officer in her report. Councillor Walters proposed that the Committee agree with the findings of the Investigating Officer's report, that there had been no breach of the Code of Conduct. This was seconded by Mr Malik, and on being put to the vote was carried with all Members unanimously in favour.

**RESOLVED:** That Councillor Moreau had not breached the Borough Council's Code of Conduct in relation to allegation 1.

#### Allegation 2

A Panel Hearing would be convened on Tuesday 19 January 2010 at 10 am, venue to be confirmed.

### **5 DATE OF NEXT MEETING OF THE FULL STANDARDS COMMITTEE**

**RESOLVED:** That the next meeting of the Full Standards Committee would take place on Monday 8 February 2010 at 10 am, venue to be confirmed.

**The Meeting closed at 10.25 am**