

Borough Council of
**King's Lynn &
West Norfolk**



STANDARDS COMMITTEE – PANEL HEARING

AGENDA

**Friday 5 February 2010
at 10.00 am**

Council Chamber
Town Hall
Saturday Market Place
King's Lynn
Norfolk



INVESTOR IN PEOPLE



If you require parts of this document in another language, large print, audio, Braille or any alternative format please contact the Council Information Centre on 01553 616200 and we will do our best to help.

LATVIAN

Ja Jums nepieciešamas daļas no šī dokumenta citā valodā, lielā drukā, audio, Braila rakstā vai alternatīvā formātā, lūdzu, sazinieties ar Padomes informācijas centru (Council Information Centre) pa 01553 616200 un mēs centīsimies Jums palīdzēt.

RUSSIAN

Если вам нужны части этого документа на другом языке, крупным шрифтом, шрифтом Брайля, в аудио- или ином формате, обращайтесь в Информационный Центр Совета по тел.: 01553 616200, и мы постараемся вам помочь.

LITHUANIAN

Jei pageidaujate tam tikros šio dokumento dalies kita kalba, dideliu šriftu, Brailio raštu, kitu formatu ar norite užsisakyti garso įrašą, susisiekite su Savivaldybės informacijos centru (Council Information Centre) telefonu 01553 616200 ir mes pasistengsime jums kiek įmanoma padėti.

POLISH

Jeśli pragną Państwo otrzymać fragmenty niniejszego dokumentu w innym języku, w dużym druku, w formie nagrania audio, alfabetem Braille'a lub w jakimkolwiek innym alternatywnym formacie, prosimy o kontakt z Centrum Informacji Rady pod numerem 01553 616200, zaś my zrobimy, co możemy, by Państwu pomóc.

PORTUGUESE

Se necessitar de partes deste documento em outro idioma, impressão grande, áudio, Braille ou qualquer outro formato alternativo, por favor contacte o Centro de Informações do Município pelo 01553 616200, e faremos o nosso melhor para ajudar.

Borough Council of
**King's Lynn &
West Norfolk**



King's Court, Chapel Street, King's Lynn, Norfolk, PE30 1EX
Telephone: 01553 616377
Fax: 01553 691663

28 January 2010

Dear Member

Standards Committee – Panel Hearing

You are hereby invited to attend a meeting of the above Committee to be held on **Friday 5 February 2010**, in the **Council Chamber, Town Hall, Saturday Market Place, King's Lynn** starting at **10.00 am** to discuss the business shown below.

Yours sincerely

Chief Executive

A G E N D A

1 APOLOGIES

To receive any apologies for absence.

2 DECLARATIONS OF INTEREST

Please indicate whether the interest is a personal one only or one which is also prejudicial. A declaration of an interest should indicate the nature of the interest and the agenda item to which it relates. In the case of a personal interest, the member may speak and vote on the matter. If a prejudicial interest is declared, the member should withdraw from the room whilst the matter is discussed.

These declarations apply to all those members present, whether the member is part of the meeting, attending to speak as a local member on an item or simply observing the meeting from the public seating area.

3

TO CONSIDER THE LOCAL INVESTIGATION AS TO AN ALLEGATION AGAINST BOROUGH COUNCILLOR MR FRANCIS MOREAU (01/09)

Paperwork:

Legal Adviser's Pre-Hearing Summary Report
Investigating Officer's Report
Hearing Procedure

To: **Panel Members:** Mr M Sale (Independent Member), Mr G Brierley (Independent Member), Mr R Steward (Independent Member)

N Leader, Legal Services Manager/Monitoring Officer

T Campion, Investigating Officer

Mrs H Davison – Complainant

Borough Councillor Mr F Moreau

Clerk to Wiggerhall St Germans Parish Council Mrs E Oliver

For Information only

Councillor I Goodson, D Harwood, J Legg, A Tyler and C Walters

Mr J Dawson (Parish Representative), Mr H Malik (Parish Representative) and Mr D Shepperson (Parish Representative)

Management Team

Press

Contact: Wendy Vincent, Democratic Services Officer, (01553) 616377 or wendy.vincent@west-norfolk.gov.uk

Standards Committee Pre Hearing Summary Report

Authority of the Standards Committee:	Borough Council of King's Lynn & West Norfolk
Authority of the Member:	Borough Council of King's Lynn & West Norfolk
Member Subject to Complaint:	Borough Councillor Francis Moreau
Complainant:	Mrs Heather Davison
Chair of the Standards Committee:	Mr M. Sale
Monitoring Officer for the Borough Council:	Mrs N. Leader
Investigating Officer:	Miss T. Campion
Legal Adviser to Standards Committee:	Mrs N. Leader

This report is produced in relation to the hearing before the Standards Committee to take place on 5th February 2010 in the Council Chamber, Town Hall, Saturday Market Place, King's Lynn at 10.00 am.

1 Summary of the Allegation:

The Complainant has made an allegation against Borough Councillor Mr Francis Moreau that during the course of a meeting of Wiggshall St Germans Parish Council on the 19th January 2009 Councillor Moreau referred to Mr and Mrs Davison as "loopy" and "malingerers".

2 Summary of History of the Matter:

2.1 The complaint was received from Mrs Davison on the 22nd January 2009. The local investigation was carried out by Miss Teresa Campion a Deputy Monitoring Officer for the Borough Council who completed her final report on the 29th October 2009.

3 Relevant Sections of the Code of Conduct:

3.1 The Borough Council of King's Lynn adopted the Model Code of Conduct ('the Code') in 2007 and accordingly it is against this Code the determination has to be made. The relevant sections of the Code are as set out below:

General obligations

3.—(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's

code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4 Pre Hearing Process:

4.1 In accordance with the Standards Committee Hearing Procedure as adopted on the 30th August 2006 Councillor Moreau has received and responded to the standard pre-hearing forms (section 5e of the procedure).

5 Findings of fact which are agreed:

5.1 That Cllr Moreau was present at the Parish Council meeting on the 19th January.

6 Findings of fact which are not agreed and Points of Dispute:

6.1 Cllr Moreau denies that he described Mr and Mrs Davison as “loony and not worth bothering about”. (Paragraph 13 of Page 5). Cllr Moreau states that the letter from Mrs Davison (Appendix F of the Investigating Officer’s report) corroborates this. Cllr Moreau denies that he received a folder of documents alleged to have been delivered by Mrs Davison at his home address.

6.2 Cllr Moreau considers that the comments by the Clerk to the Investigating Officer at Paragraph 13 on Page 6 that Cllr Moreau became abusive and pompous are out of context. He says that he was in fact asking the Parish Council to apologise for an apology for false remarks made by the Parish Council in the Lynn News which referred to Cllr Moreau as being impossible to contact and complained about his lack of attendance at Parish Council meetings.

7 Attendance and Representation:

7.1 Councillor Moreau has indicated that he will not be attending the standards hearing because he is unable to take time off work and that he will not be represented at the hearing.

7.2 Cllr Moreau will not be calling any witnesses. The Investigating Officer will call Mrs Davison and the Clerk, to Wigenhall Parish Council, Mrs Oliver.

7.3 The Investigating Officer has been invited to attend the hearing.

7.4 Cllr Moreau has made representations in response to the pre-hearing forms of matters which he would like the panel to take into account if he is found to have failed to follow the Code of Conduct. The Legal Adviser will make those representations available in the event that the panel conclude that there has been a breach of the Code.

8 Background papers:

8.1 The final report of the Investigating Officer

The hearing will be conducted in accordance with the standard hearing procedures of the committee as adopted August 2006.

This summary has been produced by the Legal Advisor to the Standards Committee Mrs N Leader on 27th January 2010.

REPORT

Report of an investigation under Section 60(2) of the Local Government Act 2000 by Teresa Jane Champion, Solicitor and Deputy Monitoring Officer to the Borough Council of King's Lynn & West Norfolk, into the allegations concerning Councillor Francis Moreau a member of the Borough Council of Kings Lynn and West Norfolk

Contents

- 1 Summary
- 2 Relevant legislation
- 3 Evidence and Monitoring Officer on the Facts
- 4 Reasoning
- 5 Finding

Specific Distribution

- Complainants
- Councillor Francis Moreau
- Mrs Oliver, Clerk to Wiggenhall St Germans Parish Council (Final report only)
- The Legal Adviser to the Standards Committee of the Borough Council of King's Lynn & West Norfolk, for this item (Final report only)
- Ethical Standards Officer (Final report only)

1 Executive summary

- i. A complaint has been made by Mrs Heather Davison.
- ii. The second allegation relates to an incident at a meeting of Wiggshall St Germans Parish Council on 19th January 2009. It is alleged that during the course of that meeting Councillor Moreau called Mr and Mrs Davison “loopy” and “malingerers”.
- iii I have investigated whether Cllr Moreau has breached of the Borough Council’s Code of Conduct. The outcome of the investigation is a finding of no breach in relation to allegation 1 and a breach of the Code of Conduct in relation to allegation 2.

2 Francis Moreau’s official duties

2.1 Francis Moreau accepted office as a Borough Councillor on 17th May 2007. A copy of Cllr Moreau’s Declaration of acceptance of office and undertaking to observe the Code is included at Appendix A.

3 Relevant legislation

- i. In 2007 the Borough Council of Kings Lynn and West Norfolk adopted the Model Code of Conduct (“the Code”) in 2007 in which the following paragraphs are included:-

General obligations

3.—(1) You must treat others with respect.

(2) You must not—

(a) do anything which may cause your authority to breach any of the equality enactments (as defined in section 33 of the Equality Act 2006

(b) bully any person;

(c) intimidate or attempt to intimidate any person who is or is likely to be—

(i) a complainant,

(ii) a witness, or

(iii) involved in the administration of any investigation or proceedings,

in relation to an allegation that a member (including yourself) has failed to comply with his or her authority’s code of conduct; or

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4 Evidence and Deputy Monitoring Officer Conclusions on the facts:-

I have investigated whether Cllr Francis Moreau has failed to comply with the Borough Council’s Code of Conduct (“the Code”). In the course of my investigation I have interviewed Mr and Mrs Davison, Mrs Elaine Oliver, the Parish Clerk and corresponded with Cllr Moreau by letter and email in relation to matter as he was unable to attend an interview due to work commitments.

Allegation 2

This relates to an incident at a meeting of Wiggshall St Germans Parish Council meeting on 19th January 2009. It is alleged that during the course of that meeting Cllr Moreau called Mr and Mrs Davison "loopy" and "malingerers".

In relation to this allegation Mrs Davison stated that at the meeting of Wiggshall St Germans Parish Council on 19th January 2009 during the public question time at the beginning of the meeting she mentioned that she and her husband had concerns over a planning application and had delivered a folder of documents to Cllr Moreau's home address.

Cllr Moreau denied having received these documents.

She stated that she had checked with a neighbour of Cllr Moreau to ensure she had the correct letter box.

Cllr Moreau then described them both as "loony and not worth bothering about." He denied receiving the information she had posted. She did not respond to his comments and remained calm but stuck to her guns that she had delivered the documents to the correct address.

She did not think she provoked the reaction she received at all she did add that she had written to Henry Bellingham as the Borough Council (Cllr Moreau) was not offering them any help at all in relation to the planning application. She was surprised by the reaction she had received from Cllr Moreau and perceived this to be rude and aggressive.

There was then some discussion amongst the Parish Councillors as to what Cllr Moreau's role was as a Borough Councillor as he did not appear to attend many of the Parish Council meetings.

At the meeting other than members of the Parish Council she recalls that Cllr Richard Rockcliffe from Norfolk County Council was in attendance and one of their neighbours Christine Sullivan.

The discussion about this item lasted for about 10 minutes.

Cllr Moreau's attitude appeared at this meeting to be rude and aggressive. She did not believe that the couple had done anything to justify this reaction.

Mr Davison when interviewed said that at the meeting on 19th January 2009 they sat behind Cllr Moreau so he had his back to them. Cllr Moreau was rude to everyone at the meeting and was rude to his wife. He did not recall the words that he used to her but he denied receiving the folder of documents that they had posted through his letterbox and he went on about it not being properly addressed because it did not have the post code on it. His wife stated that this was not necessary as it had been hand delivered and not posted.

He stated that they stayed for the rest of the Parish Council meeting.

The Parish Clerk Mrs Oliver was interviewed with regard to the allegations made Cllr Moreau and a witness statement taken from Mrs Oliver which is produced as Appendix E. She stated that it had been previously mentioned at Parish Council meetings that Cllr Moreau did not attend meetings and contact with him was difficult.

At a meeting of the Parish Council this was mentioned by Mr and Mrs Davison as they were trying to contact him about a planning application. This was duly minuted and included in a report to The Lynn News.

Cllr Moreau then contacted her in a very aggressive and rude manner, to inquire who had been complaining about him and stated that he worked as well as being a Borough Councillor.

The Clerk contacted Mr and Mrs Davison to see that they agreed to her passing on their contact details so Cllr Moreau could speak to them directly.

Cllr Moreau and Mr and Mrs Davison attended the Parish Council's meeting on 19th January 2009. At the beginning of the meeting there is an open forum for parishioners, this is minuted but it is not required to be

so. Comments were minuted at this time as it reminds the Parish Council of issues that have been raised and how to address them immediately or at a future meeting, whatever is appropriate.

Minutes never relay every comment or statement and any personal comments as they are published on the Parish Council Notice board, put on their web site and published in the Parish Council magazine and The Lynn News.

The Clerk recalls Mrs Davison at the meeting saying she had tried to contact Cllr Moreau over her and her husband's concerns over a planning application.

Cllr Moreau stated that he never received the paperwork which Mr and Mrs Davison alleged to have hand delivered to his house. He claimed they had the wrong post code and at this point became abusive and pompous. He demanded an apology from Mr and Mrs Davison and the Parish Council.

Mrs Davison remained very calm and claimed she had delivered the documents to his house.

Some of the Parish Councillors asked what the role of a Borough Councillor is, as Cllr Moreau hardly attends Parish Council meetings.

During the tirade of comments Cllr Moreau referred to the Davisons as "loony" but she was not sure if this was directed to Mr or Mrs Davison or both.

Mr Davison did not say very much and Mrs Davison remained calm through out the meeting and reiterated her point of view calmly and quietly. Cllr Moreau stated he lived at White Cottage not White Hall which Mrs Davison had referred to in her presentation in error. Cllr Moreau stated that he did not have a post box and never received the documents she hand delivered.

At the meeting another parishioner supported Cllr Moreau saying that he had helped her with her planning application.

All minutes are circulated to members of the Parish Council, Borough Council and County Council for their comments. If the Parish Council is in agreement then the Chairman signs them off during the following Parish Council meeting in public. January's Parish Council minutes were signed off in March 2009. The minutes are also displayed on the Parish Council web site.

Cllr Moreau responded to the Investigating Officer questions by letter and email. He states that he never received the documents the Davisons alleged they had delivered to his property.

He recalls the Parish Council meeting on 19th January 2009. He attended this meeting as he became aware of the Davisons planning issues after he read comments in the Parish News that he was impossible to contact. He was shocked by this as he has a published telephone number and answering machine as well as a postal address and email. In attending this meeting he did not attend his group meeting on the same day.

He stated that he did not insult Mr and Mrs Davison or other Parish Council attendees and says that the allegations were made against him because he is unable to attend all their meetings. He also stated that there was no mention of any insults in the Parish Council minutes.

He recalls Mrs Davison making claims about him not responding to her correspondence and that he replied that he had never received it. She went onto say she hand delivered it and alleged that he was lying which he took offence to.

He believes that the allegations have been made because he is unable to attend all the Parish Council meetings as it clashes with his group meetings. He attended the meeting on 19th January 2009 to try to clear the matter up with regarding to Mr and Mrs Davison's planning issues.

Cllr Moreau does not admit to calling either Mr or Mrs Davison "loony" or "malingerers".

When asked whether or not there was any one able to assist with the investigation he stated that Cllr Rockcliffe was present at the meeting.

The Investigating Officer wrote to Cllr Rockcliffe on 25th June and 22nd July 2009 but has received no response to her letters.

The draft report was sent with a covering letter to both the complainants and Cllr Moreau on 3rd September 2009. No comments were received from the complainants but Cllr Moreau responded to the report by email on 17th September 2009 with comments on the draft report.

He commented that he was not able to attend the interview with the Investigating Officer due to work commitments rather than preferring not to attend the interview.

It was incorrect to say that Mr Davison called him “useless” on the telephone as he could not understand what Mr Davison had said.

Mrs Oliver’s statement is incorrect as he lives at White Hall and not White Cottage.

He stated the fact that he had helped Mrs Scott another parishioner was reduced to one line in Mrs Oliver’s statement. He suggested that the Investigating Officer write to Mrs Scott as she was at the Parish Council meeting.

Appendix A of the Investigating Officer’s report states that the Davisons wrote to Cllr Moreau reproaching him. He confirmed that he never received anything in writing from them. He stated he did not ring them for the purpose of shouting at them but to see if he could help and claimed he received a torrent of abuse.

His explanation is that there is a history of bad feeling between himself and the Parish Council which started in 1997 when he moved to St Germans when a Parish Councillor claimed that there was a footpath through his main gates and up to his drive.

One of the Parish Councillors upon hearing he was made a Borough Councillor repeatedly phoned his secretary and refused to leave a message. When he returned home later he rang her to see what she wanted that was clearly urgent. He alleges that she replied “Nothing really”.

On 17th September 2009 the Investigating Officer was informed by email that Cllr Moreau had recorded the Parish Council meeting of 19th January 2009. The recording was on his computer and he was provided with a memory stick to transfer the information onto the memory stick so that this could be presented as part of the case and viewed by members of the Standards Committee.

On 5th October 2009 Cllr Moreau also provided the address of Mrs Scott who was also attended the Parish Council on 19th January 2009 and would be able to provide evidence to support Cllr Moreau.

Mrs Scott sent a letter dated 10th October 2009 in support of Cllr Moreau. This was received on 12th October 2009 and is produced at Appendix F.

The memory stick was hand delivered to the Borough Council of Kings Lynn reception area at Kings Court and was received on 15th October 2009.

The memory stick was viewed by the Investigating Officer on her computer using head phones. The recording itself appears to be a recording of the Parish Council Meeting of 19th January 2009. The sound quality of the recording is not particular good and in places is difficult to follow. This further evidence does not really change the view of the Investigating Officer that in relation to the second allegation that the Code of Conduct has been breached.

The Standards Committee will have to consider all the evidence including the recording of the meeting of 19th January 2009 and the witnesses’ testimonies and decide on the balance of probabilities whether the Code of Conduct has been breached.

5 Reasoning

In relation to a possible breach of Paragraph 3(1) that is treating people with respect, the Code of Guidance – Code of Conduct for members May 2007 deals with cases where individuals are subject to unreasonable or excessive personal attack. This particularly applies to dealing with the public and officers. Whilst it is acknowledged that some members of the public can make unreasonable demands on members, members should, as far as possible, treat the public courteously and with consideration. Rude and offensive behaviour lowers the public’s expectations and confidence in elected representatives.

The Investigating Officer is of the view that the meeting on 19th January 2009 was a very difficult meeting which got somewhat out of hand. This is supported by the Complainants' witness statement and the witness statement from the Parish Clerk. I accept the explanation from the Parish Clerk that she would never put personal comments in the Parish Council minutes as these would be published on their website, Parish magazine and in the Lynn News. The way that the Parish Clerk records her minutes is not any different to the recording of Borough Council meetings. They also would not record personal comments because they are available for inspection by the public and are published on the Borough Council's web site.

I find that it was likely that Cllr Moreau was rude to Mr and Mrs Davison albeit perhaps not intentional. This appears to be corroborated by the evidence of Mr and Mrs Davison although Mr Davison cannot remember the exact words used.

There is some evidence from the Parish Council Minutes of 19th January 2009 to suggest the Parish Council raised some concerns that Cllr Moreau did not attend Parish Council Meetings and this is corroborated by the Parish Clerk but there is no evidence to suggest that this was the reason for the complaint against Cllr Moreau by Mrs Davison.

Having considered all the evidence, unfortunately I am of the view that Cllr Moreau did not treat Mr and Mrs Davison with respect and there has been a breach of Paragraph 3(1) of the Borough Council's Code of Conduct.

I have also looked at Paragraph 3(2) (b) of the Code of Conduct but I am of the view that the incident on 19th January 2009 is not sufficiently serious to constitute bullying. Bullying under the Code of Guidance is defined as "offensive, intimidating, malicious, insulting or humiliating behaviour." Such behaviour may happen once or be part of a pattern of behaviour directed at a weaker person or person over whom you have some actual or perceived influence. Bullying behaviour attempts to undermine an individual or a group of individuals, is detrimental to their confidence and capability, and may adversely affect their health."

6 Finding of Deputy Monitoring Officer

I find that there has been a breach by Cllr Moreau of Paragraph 3(1) of the Borough Council's Code of Conduct.

Teresa Campion
Senior Solicitor and Deputy Monitoring Officer to the Borough Council of King's Lynn
& West Norfolk

Dated 29th October 2009

APPENDIX A TO INVESTIGATION REPORT

Declaration of acceptance of office and undertaking to observe the Code of Conduct

APPENDIX B

Witness statements of Heather Davison and Robert Davison

APPENDIX D

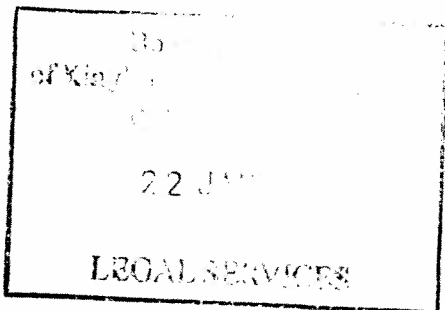
Copies of letters and emails and letters between Cllr Moreau and the Investigating Officer

APPENDIX E

Witness statement of Elaine Oliver

APPENDIX F

Witness statement of Mrs Scott



Borough Council of
King's Lynn &
West Norfolk



COUNCILLORS' CODE OF CONDUCT COMPLAINT FORM

Your details

1 Please provide us with your name and contact details

Title:	MR + MRS
First name:	Robert and Heather
Last name:	DAVISON
Address:	
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Your address and contact details will not usually be released unless necessary or to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- the Councillor(s) you are complaining about
- the monitoring officer of the authority
- the parish or town clerk (if applicable)



If you need this document in large print, audio Braille, alternative format or in a different language, please contact Democratic Services on 01553 616632

We will tell them your name and give them a summary of your complaint. We will give them full details of your complaint where necessary or appropriate to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 6 of this form.

2 Please tell us which complainant type best describes you:

- Member of the public
- An elected or co-opted Councillor of an authority
- An independent member of the standards committee
- Member of Parliament
- Local authority monitoring officer
- Other council officer or authority employee
- Other ()

3 Equality monitoring

Please complete and return the attached Equal Opportunities Monitoring Form. Although this is not compulsory it would be helpful as we need to ensure that we do not inadvertently discriminate against anyone.

Making your complaint

4 Please provide us with the name of the Councillor(s) you believe have breached the Code of Conduct and the name of their Council:

Title	First name	Last name	Council name
MR.	FRANCIS	MOREAU	Kings Lynn + West Norfolk

5 Please explain in this section (or on separate sheets) what the Councillor has done that you believe breaches the Code of Conduct. If you are complaining about more than one Councillor you should clearly explain what each individual person has done that you believe breaches the Code of Conduct.

It is important that you provide all the information you wish to have taken into account by the Standards Committee when it decides whether to take any action on your complaint. For example:

- You should be specific, wherever possible, about exactly what you are alleging the Councillor said or did. For instance, instead of writing that the Councillor insulted you, you should state what it was they said.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide any relevant background information.

We contacted Mr Moreau in May, 2008 as we wished to ask for his helping a planning issue near to our home. Mr Moreau's response was that he had little time as he was rarely home before 8pm and would look at any relevant documents if we put them through his letter box. We immediately did this with a covering memo (see document 1).

Having received no response at all from Mr Moreau, We wrote to Mr Henry Bellingham and mentioned the lack of response to this information (see document 2). Finally, I wrote to Mr Moreau himself and reproached him about his behaviour. The matter was mentioned to the Parish Council who had received similar complaints about him and they were also unhappy that Mr Moreau did not attend their meetings. Mr Moreau telephoned our home with the intention of shouting at Mrs Davison for telling the Parish Council of his lack of attention to our problem but I, Mr Davison, answered his call and said that he was of no use as a councillor and put the telephone down. Mr Moreau rang back four times in all and said "you should get a solicitor as I am going to sue you" he also demanded a written apology, presumably for hanging up on him! For the grounds for our complaint we quote the Schedule to the order paragraphs 3 and 5.

Further

We both attended the Parish Council Meeting held on Monday 19th January 2009 at which Mr Moreau was in attendance, Mr Moreau was again rude, superior, in attitude, and abusive to most people in the room especially the Parish Councillors and the Secretary who explained, or tried to explain that she only reported what occurred at the meetings. Mr. Moreau stressed on two occasions, that we were lucky to have him attend the meeting as he had to cancel attendance at a Conservative meeting. He seemed clear about his own priorities.

He went on to call myself and my wife "loopy" and "malingerers", to which we object most strongly. My wife is a well respected school teacher and I am a retired Government Servant. I personally have never before encountered such ill-bred and uncultured behaviour. The Parish Councillors urged me to mention the fact of the name calling.

Members of the Parish Council all challenged him individually and he was unable to answer them as to his reason for being a Councillor or what he was supposed to do. He was antagonistic to them and made silly points about his home address and what the secretary was trying to get across to him. He is not sophisticated enough for the position nor is he aware of the responsibilities of a Borough Councillor. In our opinion,

Heather and Robert Davison

1. In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint.

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The assessment sub-committee will consider the request alongside the substance of your complaint. We will then contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide us with details of why you believe we should withhold your name and/or the details of your complaint:

You should send your completed complaint form to the Monitoring Officer, Legal Services, BCKLWN, Chapel Street, King's Lynn, PE30 1EX.

Additional Help

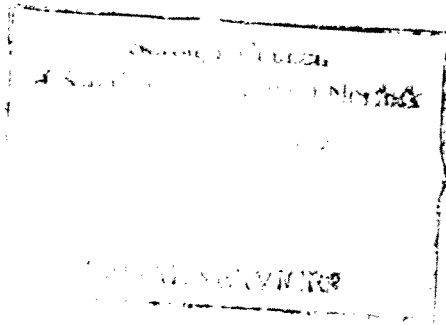
2. Complaints must be submitted in writing. This includes fax and electronic submissions. However, in line with the requirements of the Disability Discrimination Act 2005, we can make reasonable adjustments to assist you if you have a disability that prevents you from making your complaint in writing.

We can also help if English is not your first language.

If you need any support in completing this form, please let us know as soon as possible.

Further information to help you complete this form can be found on the accompanying guidance notes.

Appendix A

28th January, 2009

Ms. Nicola Leader,
Legal Services and Monitoring Officer,
Legal Services,
Borough Council of West Norfolk and King's Lynn,
King's Court,
Chapel Street,
King's Lynn. PE30 1EX

Dear Ms Leader,

Thank you for your letter of 26th January. I apologise for omitting to enclose the two documents referred to in our statement. Please find them enclosed with this letter.

Document 1 is a covering memo describing the contents of a folder which I put into Cllr Moreau's post box on 21st May, 2008. We had absolutely no response to these communications and, in fact, in a Wiggshall St. Germans Parish Council meeting on 19th January, 2009, Cllr Moreau denied ever receiving this package of documents and, effectively, called me a liar. I do have a witness to delivering these documents as I asked his near neighbour for directions to Cllr. Moreau's post box.

Document 2 is a copy of a letter I posted to Mr. Moreau after waiting two weeks for some response to Document 1 and accompanying documents. I had no response to this letter as well and receipt of this was also denied at the above meeting.

We are not concerned about our identity being disclosed as Cllr. Moreau has noted our concern regarding his behaviour at the Parish Council meeting mentioned in paragraph 2.

Yours sincerely,

Robert & Heather Davison

Your ref:
Our ref: NL / 012765 /
Please ask for: Nicola Leader
Direct dial: (01553) 616265
Direct fax: (01553) 616728
E-mail: Nicola.Leader@west-norfolk.gov.uk

Appendix A

Head of Central Services
Debbie Gates

Mr and Mrs Davison

Central Services

04 February 2009

Dear Mr and Mrs Davison

Re: Complaint against Cllr Moreau

Thank you for your letter of the 28th January. In anticipation of questions that I expect the Assessment Sub-Committee will ask, please could you let me have details of what was said during the telephone conversations between Mr Davison and Cllr Moreau that you refer to in your complaint form.

I look forward to hearing from you.

Yours sincerely

Nicola Leader, Solicitor
Legal Services Manager and Monitoring Officer
Legal Services

NL / 012765 / 102443

Page 1



INVESTOR IN PEOPLE

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX
Tel: (01553) 616200; fax: (01553) 691663
Minicom: (01553) 616705; DX 57825 KING'S LYNN

Chief Executive – Ray Harding Deputy Chief Executive – David Thomason



If you would like a copy of this, or any enclosed documents, in large print or in the following languages, please contact Legal Services on 01553 616514.

По отдельному запросу настоящий документ предоставляется также на русском языке.

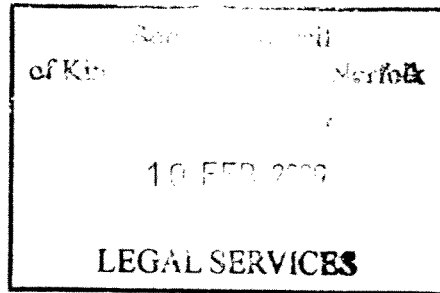
Este documento encontra-se disponível em Português, a pedido.

本文件可以应要求，制作成中文(简体字)版本。

ئەم بەلگەیه بە پێی داواکاری بە زمانی کوردی ش دەس دەگەیت

Este documento puede solicitarse en español.

Appendix A

6th February, 2009.

Ms. Nicola Leader,
Solicitor,
Legal Services Manager and Monitoring Officer.

Dear Ms Leader,

Thank you for your letter of 4th February. I enclose a cassette tape which holds a recording of the four answer phone messages sent to us by Cllr. Moreau.

Mr. Moreau telephoned to speak to me on 13th Jan - 2009. This was after he had seen a report that the Parish Council had expressed their dissatisfaction at his non-attendance at their meetings and the Secretary had, with my permission, given my name as a member of the public who had also expressed dissatisfaction. I was at work and my husband answered the 'phone. My husband told him that 'he was no good as a councillor as he did not do anything.' We had delivered a large folder of information to his door and he denied all knowledge of it.

RECORDED MESSAGES - 13th January, 2009

Message 1: He denied all knowledge of the folder of information delivered to his post box (which is fully described in the information I sent to you earlier.)

Message 2: He hung up

Message 3: He threatens us with legal action

Message 4: He demands an apology to himself and the Parish Council (?). He then washes his hands of helping us.

At no time did my husband 'call him names'. All he said was 'You are no good as a councillor as you do nothing!'

I hope that this will be helpful.

Yours sincerely,

Heather Davison

Appendix A

Declaration of Acceptance of Office

I⁽¹⁾, Francis Mauril Moran

having been elected to the office of⁽²⁾ Councillor

of the⁽³⁾ Borough Council of King's Lynn & West Norfolk.

DECLARE that I take that office upon myself, and will duly and faithfully fulfil the duties of it according to the best of my judgement and ability.

I undertake to observe the Code as to the Conduct which is expected of members of the⁽³⁾ Borough Council of King's Lynn & West Norfolk.

Date: 17/5/07

(Signature)

This declaration was made and subscribed before [me] [us]

.....
⁽⁴⁾[Member(s)] [Proper Officer] of the Council
.....

(1) Insert name of person making the declaration
(2) Insert description of office
(3) Insert name of the authority
(4) If the declaration is made and subscribed before any other person authorised by section 83(3) of the Local Government Act 1972, adapt accordingly.

**WIGGENHALL ST. GERMANS PARISH COUNCIL
MINUTES**

The Parish Council Meeting was held on Monday 19th January 2009, in the Memorial Hall, Wigenhall St. Germans, at 7.30pm.

<u>Present</u>	Cllr. R. Rawlings	Chair
	Cllr. R. Funnell	Vice Chair
	Cllr. M. Bunkall	
	Cllr. T. Burt	
	Cllr. R. Kember	
	Cllr. K. Rowe	
	Cllr. A. Stokes	
	Cllr. Y. Turrell	
	Cllr. D. Wakefield	
	Mrs. Elaine Oliver	Clerk

7 Members of the public present

APOLOGIES

Cllr. P. Williamson

Cllr. Rawlings opened the meeting and welcomed everybody present.

PARISHIONERS' QUESTION TIME

The church reported, since the recent work at Evergreen, they have had problems parking when they have a special event on. Cllr. Wakefield felt it may be better to park with gaps so people could pass easily. The Church reported they have raised £3586 and have two more events on 14.2.08 and 24.2.08, they have also received some part of the grant money.

A parishioner reported that she had tried to contact Cllr. Moreau regarding a planning issue and had not received a favourable response, a lengthy discussion followed with Cllr. Moreau denying he was uncontactable etc. Cllr. Moreau reported he did not have to be at the Parish Council meeting and Cllr. Burt said it had been very different from his predecessor. Cllr. Moreau reported he should be at the group Conservative meeting which he felt was more important.

It was asked what a Borough Councillor did and Cllr. Moreau sat on any committees at the Borough, Cllr. Moreau reported he did not.

Cllr. Moreau read an email to the Borough Council where he had requested a public apology, copies of this had been distributed to all Councillors, the Chair reported that he did not think a public apology was deserved.

Cllr. Bunkall asked what Cllr. Moreau did in his role of Borough Councillor and questioned that all the people present were wrong?

The Parishioner present reported she had been threatened with legal action from Cllr. Moreau and felt that Cllr. Moreau should look to his duties.

Another parishioner reported that she had contacted Cllr. Moreau about a planning application and had left a message and he had contacted her,

Various Highway issues were raised:-

Mill Road was marked and still not repaired, a lot of water is lying and the culverts are blocked.

Fitton Road surface is in a bad way

It was asked why such inferior materials are being used on patching jobs.

The junction of Sluice Road was reported as being extremely dangerous and made worse by the electricity vans parking.

Cllr. Rockcliffe was asked why nothing was standardized.

Low Rd has been closed (it was confirmed only in the day) in order to lay the gas pipe.

DECLARATION OF INTERESTS

There were no declarations from members present.

MINUTES

The circulated Minutes from the Parish Council meeting of November 17th 2008 were proposed by Cllr. Funnell seconded by Cllr. Burt, unanimously agreed, and signed as a true record.

MATTERS ARISING**(i) Noticeboard removal and resiting and Additional board at Saddlebow**

It was reported that now the Post Office had closed a new site needed to be found for the Parish Noticeboard and the WI advertising board. It was decided that Cllr. Wakefield would ask Mr. Day for permission to affix the Noticeboard on the wall near the hairdresser. Cllr. Kember reported he now rents the river bank and a Noticeboard could be put next to the Fen River Way board. It was decided to discuss the purchase of a new board at the next meeting, along with the WI notice board which may well be out of date. Cllr. Burt agreed to store these items. It was felt after long discussion that a Noticeboard in Saddlebow is not required at present.

(ii) Verification of Addresses in Saddlebow

The Clerk reported she had been speaking with the Borough Council who felt it was important to clarify 2 points
 Firstly, Royal Mail are reluctant to identify Wiggenhall St. Germans as such and prefer to use St. Germans, the BCLWN have asked if we would like them to ask the Royal Mail to start their consultation process in correcting the address they use. It was agreed unanimously that the village is Wiggenhall St. Germans and not St. Germans,
 Secondly after some debate it has been confirmed by the Borough Council that the addresses in Saddlebow should be High Road from the Power Station roundabout over the bridge, thru village to the first house The Willows, then it is Lynn Road, Wiggenhall St Germans.

Cllr. Rockcliffe reported that he is behind a campaign to make house numbers clear so that they can be seen at night; this could indeed be a matter of life and death.

A Parishioner reported that the ICE scheme is also very helpful and agreed to email it to the clerk for inclusion in the village magazine,

(iii) Foolhardy Circus Visit.

It was reported that the foolhardy circus would like to visit the parish again. It was unanimously agreed to invite the circus to visit.

Action: Clerk to contact the Circus

(iv) Future of Post Office in St. Germans

It was reported that the P C had met with an advisor from Norfolk Rural Community Council regarding the future of the Post Office in St. Germans. The first step was felt to be sure the community want this and would support it, to this end a community consultation evening will be held on 2.2.08, in the Methodist Chapel, with flyers being delivered to all parishioners. It was felt that the lady who worked in the Post Office may well be interested in being the Postmaster.

FINANCE**(i) Propose and second approval of Payment of invoices/monthly statement.**

The payment of invoices and the monthly statement, was proposed by Cllr. Burt and seconded by Cllr. Funnell, unanimously agreed. Cheques were duly signed.

(ii) Precept and Budget 2009/10

The Clerk presented a proposed budget for discussion, main points were mentioned as follows:-

- Newsletter income is down
- Hard to calculate increases on some costs such as insurance.
- Parish Council is not paying income tax, although the clerk is, we are still using the credits for filling in returns online. This will eventually stop.
- We have not donated anything to the churchyard this year.
- We may need to keep in mind the purchase of a village sign.

The budget was agreed and the precept agreed to be kept the same as 2007/8, proposed by Funnell and seconded by Burt, agreed unanimously.

(iii) Lighting Contract.

It was reported there has be no real increase in price, but we have increased our stock which has caused an increase in costs. It was proposed by Cllr. Kember to agree to the 3 year contract with MHB, seconded by Cllr. Wakefield, agreed unanimously.

The Clerk mentioned that 2 of our street lights have been damaged; the work is due to go ahead at a cost of £737.00. The insurance company has been informed but we may have to pay the excess although we have provided the insurance company with details of the people who collided with the lights.

(iv) Grass Cutting Contract

After much discussion it was decided to award the Memorial Hall cutting contract to Lewis Landscaping as the cheapest quote. There was much discussion on the second contract for cutting the football field and Legge Place etc. Eventually it was agreed to ask CGM to quote for the same no. of cuts as Lewis and also to discuss the problems that were mentioned.

CORRESPONDENCE

Correspondence lists have been distributed to all Councillors.

Additional correspondence had been received and discussed as follows:-

- BCKLWN – 3 in one waste collection.
- Norfolk RCC meeting 29.1.09 re the economic and social effects of the credit crunch on rural Norfolk
- Agenda for LAG meeting
- Water Resources Act proposed variation to the environment agency abstraction licences at Denver and Blackdyke – Cllr. Bunkall took this and will pass to Cllr. Williamson

PLANNING**(i)****Planning to consider**

Cllr. Turrell declared an interest and left the meeting for this item.

08/02788/F

The Clerk reported that the applicant had contacted her and was anxious all councillors realized that she wanted this caravan to look after her animals in the summer. The Chair did have some issues with what had been written in the supporting letter. The Parishioner asked to speak about this application, the chair pointed out the time to speak was at Parishioners question time but did allow her to speak, the Clerk reported that this application had just been returned and there was no objections to the caravan siting as long as it is specified it is not for a dwelling,.

Cllr. Moreau also asked if he could speak but after hearing the decision had nothing more to say,

(ii)**Planning Decisions in the Month.**

08/02502/F installation of gas pipeline between West Winch and Saddlebow. No comments.

The following were recommended for approval by the P C

08/02550/F Extension to dwelling at 4 Church Road W S M

08/02722/F New double garage after conversion of existing integral garage 27 School Road.

08/02669/F and 08/02670/F retrospective conservatory, decking and screening at 18 School Road

The P C had concerns regarding the following

08/02305/F 4 dwellings at 72 Mill Road. Concerns were the site is too small for 4 dwellings the layout is improved but still fails to give vehicles a turning area within their own property or indeed parking leading to potential parking on the highway. We were concerned it was felt no FRA was required as our maps from EA clearly show it in a flood risk area. Also water voles are present in this area as shown by the gas pipeline ecological report.

(iii) Notification of decisions by Borough Council:-

Following application been granted planning permission.

Variation of conditions 18 and 22 to 06/01530/FM at St. Germans Pumping station.

08/02261/F Construction of a 2 bedroom single storey dwelling at land south of 60 Sluice Road WSG

COUNCILLORS' REPORTS

Councillors reported as follows:-

Cllr Funnell reported

- Buses are speeding through Saddlebow, in particular numbers 43, 46 and 47.
- Action: Clerk to write a letter**

Cllr. Wakefield reported

- A huge amount of work had been undertaken at Allen Close and was disappointed that other concerns were not addressed with that money,
- Cllr. Rockcliffe reported that certain types of budgets have to be used in certain ways.

Cllr. Rawlings reported

- The work in Allen Close has left broken kerbs and water lying instead of going to drains
- Pot hole near post box at Fallowpipe Corner

Cllr. Bunkall reported

- Pot hole still not mended on relief bridge.
- and he has apologised

Cllr. Turrell reported

- Mr. Claxton still has a problem with the drains in Orchard Road.
- Action: Clerk to chase Anglian Water**

Cllr, Rawlings reported that we still need to fight the removal of flood sirens, Cllr,. Rockcliffe reported that N C C recognize that the community highly regard the sirens and want to keep them. It is old technology and harder to maintain and the remotely activated radio signal will not be available in 2 years time. £35,000 is in the budget to maintain them but it is thought this sum could go to support communities vulnerable to flooding in better ways.

The EA and the Police are responsible for warning and evacuation and they do not see any circumstances where the sirens will need to be used.

Debate ensued, Cllr,. Bunkall reported that mobile phones do not work, and Cllr. Wakefield what maintenance was needed on these simple apparatus

Cllr. Rockcliffe reported on testing there is about a 10% failure rate.

Cllr. Rawlings was keen for us to write to the EA

Meeting closed at 9.15pm

Signed _____

Date _____

Time _____

Statement of Heather Davison

I first became aware of a planning application to build five houses on the allotments behind our house from an advertisement in the local newspaper Lynn News.

I rang Cllr Moreau about the planning application around about 20th May 2008. He explained that he was self employed and worked from 6.00 am until 8.00pm. He indicated he was willing to meet with myself and Mr Davison. It was agreed that I would produce a folder of the relevant documents and post them through his letter box. He agreed to read through these and we agreed to meet. His personal feelings were against such developments and he would represent us on the planning application against the development. This was the first time myself and my husband had dealt with Cllr Moreau. We approached him as he was one of our local councillors.

On 21st May 2008 accompanied by my husband Mr Davison I went to Cllr Moreau's before posting the folder of documents I checked with a man who was digging his garden at the first bungalow on the corner which was the correct letterbox. He indicated the letter box and I posted the documents through the letter box. The documents were sent with a letter dated 21st May 2008.

As I had no response I wrote Henry Bellingham explaining our concern about the lack of a response from Cllr Moreau.

On 7th June 2008 I then wrote to Cllr Moreau and posted the letter by First Class post.

My husband and I attend our local Parish Council meetings where the subject of the planning application came up and that Cllr Moreau did not response to correspondence. Members of the Parish Council indicated that they had similar problems.

The Clerk to the Parish Council rang me to ask whether it was all right if Cllr Moreau was given our names and informed of our concerns that he had not responded to our correspondence.

As a result of this Cllr Moreau rang up to speak to me and my husband instead. I was out at the time. The telephone conversation was recorded on the answer machine. I was told by my husband that his tone was aggressive.

After that we received four telephone messages on our answering machine from Cllr Moreau on 13th January 2009. I do not believe we were in to take the calls.

We listened the messages later. They lasted only for a few minutes.

The messages stated we should get a Solicitor as he was going to sue us. He also demanded an apology. (Reference to letter 6th February 2009.)

At the meeting of Wiggshall St Germans Parish Council on 19th January 2009 during the public question time at the beginning of the meeting I mentioned that my husband and I had concerns over a planning application and delivered a folder of documents to Cllr Moreau's home address.

Cllr Moreau denied having received these documents.

I stated that I had checked with a neighbour of Cllr Moreau to ensure I had the correct letter box.

Cllr Moreau then described my husband and I as "loony and not worth bothering about." He denied receiving the information I had posted. I did not respond to his comments and remained calm but stuck to my guns that I had delivered the documents to the correct address.

I do not think I provoked the reaction I received at all, I did add that I had written to Henry Bellingham as the Borough Council (Cllr Moreau) was not offering us any help at all in relation to the planning application. I was surprised by the reaction I had received from Cllr Moreau and perceived this to be rude and aggressive.

There was then some discussion amongst the Parish Council as to what Cllr Moreau's role was as a Councillor.

At the meeting other than members of the Parish Council I recall Cllr Richard Rockcliffe from (Norfolk County Council being in attendance and one of our neighbours Christine Sullivan.

The discussion about this item lasted for about 10 minutes.

Cllr Moreau's attitude appeared at this meeting to be rude and aggressive. Neither myself nor my husband did anything we felt justified this reaction.

As a result of these incidents I complained to the Borough Council of Kings Lynn and West Norfolk in January 2009,

Signed

Dated

08/04/09

Appendix B

Statement of Robert Davison

I first became aware of a planning application to build five new houses on the allotments behind our house from an advertisement in the Lynn News.

As a result of this I believe my wife rang Cllr Moreau to discuss our concerns. It was agreed that my wife would produce a folder of the relevant documents and post them through his letter box. We approached him as he was one of our local councillors.

My wife dealt with all the correspondence in this matter.

On 21st May 2008 I accompanied my wife Mrs Davison to Cllr Moreau's address to deliver the documents. Before we delivered them I checked with a man digging his garden at the first bungalow on the corner which was the correct letterbox. He indicated the letterbox and my wife posted the documents through the letterbox.

As we received no response I believe my wife wrote to Henry Bellingham on our behalf as we were concerned we had no response from Cllr Moreau. My wife also wrote Cllr Moreau on 7th June 2008 in similar terms.

My wife and I attend meetings of the Parish Council where the subject of the planning application came up and that Cllr Moreau did not respond to correspondence. Members of the Parish Council indicated that they had similar problems.

The Clerk to the Parish Council contacted my wife by phone to ask whether she could inform Cllr Moreau of our concerns that he had not responded to our correspondence and give our names.

As a result of this Cllr Moreau rang up to speak to my wife, as she was out I took the call. The telephone conversation was recorded on the answering machine. Cllr Moreau's tone was rude and aggressive. I do not recall saying anything to provoke this action but I admit I said "He was useless as a councillor as he did not appear to do anything." I then put the phone down. I did not call him names.

Cllr Moreau denied receiving the folder of documents concerning the planning application which had been delivered by hand to his address.

After that telephone call we received four telephone calls which were left on our answering machine. He said that he couldn't get a word in edgeways and suggested we go to see a solicitor as he was going to sue us. I did nothing to provoke this reaction other than saying he was "useless as a councillor as he didn't appear to do anything." I think that we were both out when the calls were made although I could have been in the garden and did not hear the phone.

At the meeting on 19th January 2009 I sat behind Cllr Moreau so he had his back to us. Cllr Moreau was rude to everyone at the meeting and was rude to my wife. I do not recall the words that he used to her but he denied receiving the folder of documents said had posted through his letterbox and he went on about it not being properly addressed because it did not have the post code on it. My wife stated that this was not necessary as it had been hand delivered and not posted.

I do not feel that she said anything at the meeting to provoke his reaction.

My wife and I remained for the rest of the Parish Council meeting.

As a result of these incidents my wife complained to the Borough Council of Kings Lynn and West Norfolk on behalf of both of us.

Signed

Dated 8th April 2009.

Teresa Campion

From: Teresa Campion
Sent: 21 May 2009 16:22
To: 'wiggshall@tiscali.co.uk'
Subject: Emailing: mins19.1.09

Cllr Moreau,

A copy of the minutes are accessible on the link below.
Please let me know if you have any problems assessing it.

Teresa Campion
Senior Solicitor (Litigation) and Deputy Monitoring Officer
01553 616725

The message is ready to be sent with the following file or link attachments:

Shortcut to: <http://wiggshall-st-germanspc.norfolkparishes.gov.uk/files/view/mins19.1.09.doc>

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.

Appendix D

Your ref:
 Our ref: TC / 012765 /
 Please ask for: Teresa Campion
 Direct dial: 01553 616725
 Direct fax: (01553) 616728
 E-mail: teresa.campion@west-norfolk.gov.uk

File 616725

Cllr F Moreau
 White Hall
 Fitton Road
 Wiggshall St Germans
 Kings Lynn
 Norfolk
 PE34 3AU

Debbie Gates
 Executive Director

Central Services

PRIVATE AND CONFIDENTIAL

10 June 2009

Dear Councillor Moreau

RE: COMPLAINT MADE AGAINST YOU UNDER THE CODE OF CONDUCT

I refer to my letter dated 27th May 2009 to which I have had no response. I enclose a further copy of my letter.

As you are aware there are two allegations that I have been asked to investigate which are listed below:-

Allegation 1: The complainants express dissatisfaction with your behaviour in relation to a planning issue near the complainants' home. The complaint is that you did not respond to correspondence delivered to you by the complainants and behaved aggressively during telephone exchanges between Mr Davison and yourself.

Allegation 2: Relates to an incident at a meeting of Wiggshall St Germans Parish Council on the 19th January. It is alleged that during the course of that meeting you called Mr and Mrs Davison "loopy" and "malingerers"

Although you are not obliged to be interviewed about these allegations it may be in your best interests to attend an interview otherwise you could provide a written response to these allegations.

If there is any one else you feel may be able to assist in this investigation please let me have their names and contact details.

Please contact my office to arrange another appointment by contacting me on the above number

Yours sincerely

Teresa Campion
 Senior Solicitor (Litigation) and Deputy Monitoring Officer
 Legal Services

TC / 012765 / 106736

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX
 Tel: (01553) 616200; fax: (01553) 691663
 DX 57825 KING'S LYNN

Chief Executive – Ray Harding Deputy Chief Executive – David Thomason



If you would like a copy of this, or any enclosed documents, in large print or in the following languages, please contact Legal Services on 01553 616514.

По отдельному запросу настоящий документ предоставляется также на русском языке.

Este documento encontra-se disponível em Português, a pedido.

本文件可以应要求，制作成中文(简体字)版本。

تم بلگه به پیس داولکاری به زمانی کوردی ش دمس دگمروت

Este documento puede solicitarse en español.

Appendix D

Teresa Campion

From: Wiggenhall [wiggenhall@tiscali.co.uk]
Sent: 22 June 2009 07:18
To: Teresa Campion
Subject: complaint

Dear Ms.Campion,

I am unable to attend your office due to heavy work commitments. However a detailed response is set out below.

The complaints you have received from Mr. And Mrs.Davison are wholly unjustified for the following reasons.

1. Mrs.Davison claims that she put documents relating to their planning issues in my letterbox. I never received these papers and can only assume that she placed them in the wrong letterbox. Indeed, I asked her to confirm the address where she left the papers, and she said White House, which is not my address.
2. I only became aware of the Davison's planning issues after I read comments made in the Parish News that I am impossible to contact. I was understandably shocked by these comments as I have a published telephone number with an answering service, as well as email and a postal address. I decided to contact the clerk at the Parish News, and she kindly gave me the Davison's contact details, as they had made the comments.

I telephoned the Davisons on my return from work. This is when Mrs.Davison told me she had left papers in my letterbox. Mr.Davison took the telephone from his wife and started shouting at me. I did not understand anything he said because he was shouting very loudly and at great speed.

I decided to forgo my group meeting to attend the next Parish Council meeting on the 19/1/09 to try to clear the matter up. (I have explained many times to the Parish Council that their meetings often clash with my group meeting, which I am obliged to attend, and that I can make myself available at other times).

At no time have I ever insulted Mr. or Mrs Davison or indeed any other Parish Council attendees.

I think that the allegations have been made against me out of spite because I am unable to attend all of the Parish Council meetings (even though I am not required to). Indeed there was no mention of these insults in the P.C. minutes.

I trust this will bring a satisfactory end to this matter.

Yours sincerely

Francis Moreau

Your ref:
 Our ref: TC / 012765 /
 Please ask for: Teresa Campion
 Direct dial: 01553 616725
 Direct fax: (01553) 616728
 E-mail: teresa.campion@west-norfolk.gov.uk

Appendix D

Debbie Gates
 Executive Director

Cllr F Moreau
 White Hall
 Fitton Road
 Wiggshall St Germans
 Kings Lynn
 Norfolk
 PE34 3AU

Central Services

PRIVATE AND CONFIDENTIAL

25 June 2009

Dear Councillor Moreau

RE: COMPLAINT MADE AGAINST YOU UNDER THE CODE OF CONDUCT

Thank you, for your email, received on 22nd June 2009 in response to my letter dated 10th June 2009.

In relation to the telephone conversation with Mr Davison in which you state that you do not recall anything Mr Davison said because he was shouting very loudly. What did you say to Mrs Davison on the telephone?

Do you recall leaving several telephone answering messages on Mr and Mrs Davison's answering machine on 13th January 2009? I have been provided with a copy of the tape from their answering machine from which I have produced a transcript. It would be helpful if you could agree the transcript, a copy of which I have enclosed with this letter.

Do you recall what happened at the Parish Council meeting on 19th January 2009 and whether there was any dialogue between yourself and Mr and Mrs Davison at the start of the meeting? If so do you recall what was said?

Do you recall anyone else being at the Parish Council meeting who may be able to provide assistance with the investigation?

Thank you, for your assistance.

Yours sincerely

Teresa Campion
 Senior Solicitor (Litigation) and Deputy Monitoring Officer
 Legal Services

TC / 012765 / 107172

King's Court, Chapel Street, King's Lynn, Norfolk PE30 1EX
 Tel: (01553) 616200; fax: (01553) 691663
 DX 57825 KING'S LYNN





If you would like a copy of this, or any enclosed documents, in large print or in the following languages, please contact Legal Services on 01553 616514.

По отдельному запросу настоящий документ предоставляется также на русском языке.

Este documento encontra-se disponível em Português, a pedido.

本文件可以应要求，制作成中文(简体字)版本。

ئەم بەلگمە بە پێی داواکاری بە زمانی کوردی ش دەس دەگەڕێت

Este documento puede solicitarse en español.

Appendix D

Teresa Campion

From: wigenhall@tiscali.co.uk
Sent: 27 June 2009 13:16
To: Teresa Campion
Subject: complaint

Dear Ms.Campion,

Thank you for your letter of the 25th June.

It is no coincidence, I am sure, that clearly large parts of these conversations appear to be missing. For example message #2 quotes 're: our last conversation, I said nothing of the sort.' Obviously the preceding conversation is conveniently absent.

Put very simply, I try very hard to help anybody in my ward who requires assistance.

But I should not have to tolerate verbal abuse when I have done nothing wrong.

Also as any sensible person who values their reputation, I WILL threaten legal action if I come up against people who tell lies about me, particularly if they make them public. Indeed I would be failing in my duty to uphold the good name of Myself, The Council and the Conservative Party if I did not.

There was no dialogue between myself and Mr. Davison at the Parish Council meeting. Indeed as far as I am aware, he was not even present.

As regards Mrs.Davison, she once again made her claims about me not responding to her correspondence. I yet again, explained that I never received it. She then went on to explain that she hand delivered it, but seemed a bit confused as to what my address was. She alleged that I was lying, which I naturally took offence to. Throughout the exchange I remained polite and business like, even though what I said was clearly not to Mrs.Davisons liking.

County Councillor Richard Rockliffe was present on this occasion but I do not know whether or not he would recall all of the meeting. I am sure however that if accusations of 'malingerer and loopy' were made, that he would remember something as notable as that.

Yours sincerely

Francis Moreau

Value your online security: Get 50% off Norton Security 2009 -
<http://www.tiscali.co.uk/securepc>

STATEMENT OF ELAINE OLIVER

I am Elaine Oliver Clerk to Wiggshall St Germans Parish Council a position I have held since March 2005. I have also been the Clerk for Leziate Parish Council for 9 years and I have attended NCAPTC courses on carrying out my duties as a Parish Clerk. It must be remembered that minute taking is a record of a meeting and not a transcript of a meeting verbatim.

It had been mentioned at previous Parish Council meetings that Cllr Moreau did not attend Parish Council meetings and contact with him was difficult. At the meeting Mr and Mrs Davison raised concerns that they had difficulties contacting Cllr Moreau to discuss their concerns over a planning application. This was duly minuted and was included in a report to the Lynn News. Cllr Moreau contacted me in a very aggressive and rude manner, to inquire who had been complaining about him and stated that he worked as well as being a Borough Councillor.

I contacted Mr and Mrs Davison to check that they agreed to me passing on their details to Cllr Moreau so he could contact them directly. They confirmed that they had no objection.

Mr. and Mrs Davison along with Cllr. Moreau attended the next Parish Council meeting on 19th January 2009. At the beginning of each meeting there is an open forum for parishioners, this is minuted but it is not required to be so. We feel that to minute comments expressed at this time reminds the parish council of issues that have been raised and how to address them immediately or at a future meeting, whatever is appropriate. Minutes never relay every statement or comment and the personal comments said were not recorded as the minutes are published on our website, put on the Noticeboard and referred to in the Parish Magazine and Lynn News.

Mrs Davison said that she had tried to contact Cllr Moreau over her and her husband's concerns over a planning application.

Cllr Moreau stated that he had never received the paperwork which Mr and Mrs Davison alleged to delivered to his property by hand. He claimed that they had got the wrong post code, at this point Cllr Moreau was very abusive and pompous. Mrs Davison was very calm and said she had hand delivered it and that the post code was not necessary as it was not being posted.

Cllr Moreau in my opinion became very aggressive and rude and demanded an apology from Mr and Mrs Davison and the Parish Council.

Some of the Parish Councillors asked what the role of a Borough Councillor is, as he hardly ever attends their meetings or makes contact, a letter of complaint previous to this incident was sent by Wiggshall St. Germans Parish Council to the Borough Council copied to Nick Daubney and Henry Bellingham in July 2008. The Parish Council eventually received replies and our previous minutes record dissatisfaction of Cllr. Moreau's conduct. I think it is important to realise there had been a feeling dissatisfaction growing about Cllr. Moreau for some time, it was not this case in isolation.

During the tirade of comments Cllr Moreau referred to the Davisons as "Loony" but I am not sure if this was directed to Mr. or Mrs Davison or to them as a couple.

I do not recall Mr Davison saying very much. Mrs Davison was very calm through out the meeting and reiterated her point of view calmly and quietly. Cllr Moreau stated that he lived a White Cottage not White Hall which Mrs Davison had referred to in her presentation in error. Cllr Moreau said he did not have a post box and never received the documents she hand delivered. Cllr. Moreau was looking to find fault in the comments that Mrs Davison made.

Another parishioner supported Cllr Moreau saying that he had helped her with her planning application.

Mr and Mrs Davison and Cllr Moreau stayed to the end of the meeting.

All the minutes are circulated to members of the Parish Council, Borough Council and County Council for their comments. If the Parish Council is in agreement then the Chairman signs them off during the following Parish Council meeting in public. January's Parish Council minutes were signed off in March 2009. The minutes are also displayed on the Parish Council website.

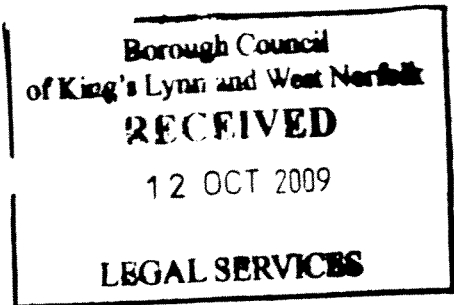
I confirm that this statement is true to the best of my knowledge and belief.

Signed

Dated

19/5/09.

Appendix F



10TH Oct 2009

Ref TC/012765

Dear Teresa Campion,

I am writing in reponse to your letter dated 6/10/09 concerning CLLR FRANCIS MORREAU.

I can confirm I attend the parish council meeting on 19/01/09 and note I did not leave at any point. This was the first time I had ever attended a parish council meeting so was unaware of the course it would take.

If an altercation did accure between CLLR MORREAU and two members of the public, it was not what I witnessed. CLLR MORREAU I felt answered all questions politley and to the point at no time was he rude, loud or otherwise, which cannot be said about

other people attending the meeting,
Parish CHR's or otherwise.

After the meeting one of the parish
CHR's remarked to me that they thought
it was like a witch hunt on
CHR McCREAN and thought it was we
out of order, fair to say I myself
found it all onesided.

I hope this has helped you.

yours Sincerely.

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

STANDARDS COMMITTEE

HEARING PROCEDURE

Adopted 30 August 2006

STANDARDS COMMITTEE HEARING PROCEDURE

CONTENTS

1. INTERPRETATION3

2. MODIFICATION OF PROCEDURE3

3. REPRESENTATION.....3

4. PRE-HEARING PROCEDURE (ESO’S REPORT).....3

5. PRE-HEARING PROCESS (LOCAL INVESTIGATION).....4

6. LEGAL ADVICE5

7. SETTING THE SCENE.....5

8. PRELIMINARY PROCEDURAL ISSUES5

9. THE HEARING OF THE ALLEGATION OF MISCONDUCT.....6

10. IF THE COUNCILLOR HAS NOT FAILED TO FOLLOW THE CODE OF CONDUCT9

11. ACTION CONSEQUENT UPON A FAILURE TO COMPLY WITH THE CODE OF CONDUCT....9

12. REFERENCE BACK TO THE ETHICAL STANDARDS OFFICER10

13. THE CLOSE OF THE HEARING10

14. APPEALS.....11

THE BOROUGH COUNCIL OF KING'S LYNN AND WEST NORFOLK

STANDARDS COMMITTEE HEARING PROCEDURE

1. INTERPRETATION

- (1) 'Councillor' means the member of the authority who is the subject of the allegation being considered by the Standards Committee, unless stated otherwise. It also includes the Councillor's nominated representative.
- (2) 'Investigating Officer' means the Ethical Standards Officer (ESO) who referred the report to the authority, and includes his or her nominated representative. In the case of matters that have been referred for local investigation, references to the Investigating Officer mean the person appointed by the Monitoring Officer to undertake that investigation (which may include the Monitoring Officer, and his or her nominated representative).
- (3) "The Matter" is the subject matter of the Investigating Officer's report.
- (4) 'The Standards Committee' refers to the Standards Committee or to any Standards Sub-Committee to which it has delegated the conduct of the hearing.
- (5) "The Committee Clerk" means an officer of the authority responsible for supporting the Standards Committee's discharge of its functions and recording the decisions of the Standards Committee.
- (6) 'Legal Advisor' means the officer responsible for providing legal advice to the Standards Committee. This may be the Monitoring Officer, another legally qualified officer of the authority, or someone appointed for this purpose from outside the authority.
- (7) "The Chairman" refers to the person presiding at the hearing.

2. MODIFICATION OF PROCEDURE

The Chairman may agree to vary this procedure in any particular instance where he/she is of the opinion that such a variation is necessary in the interests of fairness.

3. REPRESENTATION

The Councillor may be represented or accompanied during the meeting by a solicitor, counsel or, with the permission of the committee, another person, the cost of such representation must be met by the member, unless the Standards Committee or the Council has expressly agreed to meet all or any part of that cost.

4. PRE-HEARING PROCEDURE (ESO'S REPORT)

Upon reference of a matter from an Ethical Standards Officer for local determination following completion of the Ethical Standards Officer's report, the Monitoring Officer shall:

- (a) Arrange a date for the Standards Committee's hearing;
- (b) Send a copy of the report to the Councillor and advise him of the date, time and

place for the hearing;

- (c) Send a copy of the report to the person who made the allegation and advise him of the date, time and place for the hearing;
- (d) Notify the Parish or Town Council of the matter and of the date, time and place of the hearing;
- (e) Request the Councillor to complete and return the model Pre-Hearing Forms A, B, D and E, as recommended by the Standards Board for England within 14 days of receipt;
- (f) In the light of any Pre-Hearing Forms returned by the Councillor, determine whether the Standards Committee will require the attendance of the Ethical Standards Officer and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;
- (g) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and highlighting the issues which the Standards Committee will need to address, and
- (h) Arrange that the agenda for the hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
 - (i) All members of the Standards Committee who will conduct the hearing;
 - (ii) The Councillor;
 - (iii) The person who made the allegation, and
 - (iv) The Investigating Officer.

5. PRE-HEARING PROCESS (LOCAL INVESTIGATION)

Upon receipt of the final report of the Investigating Officer including a finding that the Councillor failed to comply with the Code of Conduct for Members or the Standards Committee finds that the matter should be considered at a formal hearing, the Legal Advisor shall:

- (a) Arrange a date for the Standards Committee's hearing;

(The hearing must be conducted no earlier than 14 days after, and within 3 months of the date when the Investigating Officer delivers his/her final report to the Monitoring Officer)
- (b) Send a copy of the report to the Councillor and advise him of the date, time and place for the hearing;
- (c) Send a copy of the report to the person who made the allegation and advise him of the date, time and place for the hearing;
- (d) Notify the Parish or Town Council of the matter and of the date, time and place of the hearing;
- (e) Request the Councillor to complete and return the model Pre-Hearing Forms A, B, D and E, as recommended by the Standards Board for England within 14 days of receipt;

- (f) In the light of any Pre-Hearing Forms returned by the Councillor, determine whether the Standards Committee will require the attendance of the Investigating Officer and any additional witnesses at the hearing to enable it to come to a properly considered conclusion at the hearing, and arrange for their attendance;
- (g) Prepare a Pre-Hearing Summary Report setting out the course of the allegation, investigation and Pre-Hearing Process and highlighting the issues which the Standards Committee will need to address, and
- (h) Arrange that the agenda for the hearing, together with the Pre-Hearing Summary Report and copies of any relevant documents are sent to:
 - (i) All members of the Standards Committee who will conduct the hearing;
 - (ii) The Councillor;
 - (iii) The person who made the allegation, and
 - (iv) The Investigating Officer.

6. LEGAL ADVICE

The Standards Committee may take legal advice from its legal advisor at any time during the hearing or while they are considering the outcome. The substance of any legal advice given to the Standards Committee should be shared with the member and the Investigating Officer if they are present.

7. SETTING THE SCENE

At the start of the hearing, the Chairman shall introduce each of the members of the Standards Committee, the member (if present), the Investigating Officer (if present) and any other officers present, and shall then explain the procedure which the Standards Committee will follow in the conduct of the hearing.

8. PRELIMINARY PROCEDURAL ISSUES

The Standards Committee shall then deal with the following preliminary procedural matters in the following order:

(a) Disclosures of interest

The Chairman shall ask members of the Standards Committee to disclose the existence and nature of any personal or prejudicial interests which they have in the matter, and to withdraw from consideration of the matter if so required.

(b) Quorum

The Chairman shall confirm that the Standards Committee is quorate

(c) Hearing procedure

The Chairman shall ask the parties to confirm that they know the procedure which the Standards Committee will follow in determining the matter.

(d) Proceeding in the absence of the member

If the Councillor is not present at the start of the hearing:

- (i) the Chairman shall ask the legal advisor whether the Councillor has indicated his/her intention not to attend the hearing;
- (ii) the Standards Committee shall then consider any reasons which the Councillor has provided for not attending the hearing and shall decide whether it is satisfied that there is sufficient reason for such failure to attend;
- (iii) if the Standards Committee is satisfied with such reasons, it shall adjourn the hearing to another date;
- (iv) if the Standards Committee is not satisfied with such reasons, or if the Councillor has not given any such reasons, the Standards Committee shall decide whether to consider the matter and make a determination in the absence of the Councillor or to adjourn the hearing to another date.

(e) Exclusion of Press and Public

The Standards Committee may exclude the press and public from its consideration of a matter where it appears likely that confidential or exempt information will be disclosed in the course of its consideration.

The Chairman shall ask the Councillor, the Investigating Officer and the legal adviser to the Standards Committee whether they wish to ask the Standards Committee to exclude the Press or public from all or any part of the hearing. If any of them so request, the Chairman shall ask them to put forward reasons for so doing and ask for responses from the others and the Standards Committee shall then determine whether to exclude the press and public from all or any part of the hearing.

Where the Standards Committee does not resolve to exclude press and public, the agenda and any documents which have been withheld from the press and public in advance of the meeting shall then be made available to the press and public.

9. THE HEARING OF THE ALLEGATION OF MISCONDUCT

The Standards Committee will then address the issue of whether the Councillor failed to comply with the Code of Conduct in the manner set out in the Investigating Officer's report.

- (a) The Chairman shall ask the Councillor to confirm that he/she maintains the position as set out in the pre-hearing summary.
- (b) The Pre-Hearing Process: Summary

The Chairman will ask the legal advisor to present his/her report, highlighting any points of difference in respect of which the Councillor has stated that he/she disagrees with any finding of fact in the Investigating Officer's report. The Chairman will then ask the Councillor to confirm that this is an accurate summary of the issues and ask the Councillor to identify any additional points upon which he/she disagrees with any finding of fact in the Investigating Officer's report.

- (i) If the Councillor admits that he/she has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report, the Standards Committee may then make a determination that the Councillor

has failed to comply with the Code of Conduct in the manner described in the Investigating Officer's report and proceed directly to consider whether any action should be taken.

- (ii) If the Councillor identifies additional points of difference, the Chairman shall ask the Councillor to explain why he/she did not identify these points as part of the pre-hearing process. He/she shall then ask the Investigating Officer (if present) whether he/she is in a position to deal with those additional points of difference directly or through any witnesses who are in attendance or whose attendance at the hearing can conveniently be arranged. Where the Standards Committee is not satisfied with the Councillor's reasons for failing to identify each additional point of difference as part of the pre-hearing process, it may decide that it will continue the hearing but without allowing the Councillor to challenge the veracity of those findings of fact which are set out in the Investigating Officer's report but in respect of which the Councillor did not identify a point of difference as part of the pre-hearing process, or it may decide to adjourn the hearing to allow the Investigating Officer and/or any additional witnesses to attend the hearing.

(c) Presenting the Investigating Officer's report

- (i) If the Investigating Officer is present, the Chairman will then ask the Investigating Officer to present his/her report, having particular regard to any points of difference identified by the Councillor and why he/she concluded, on the basis of his/her findings of fact that the Councillor had failed to comply with the Code of Conduct. The Investigating Officer may call witnesses as necessary to address any points of difference.
- (ii) If the Investigating Officer is not present, the Standards Committee shall only conduct a hearing if they are satisfied that there are no substantial points of difference or that any points of difference can be satisfactorily resolved in the absence of the Investigating Officer. In the absence of the Investigating Officer, the Standards Committee shall determine on the advice of the legal Advisor which witnesses, if any, to call. Where such witnesses are called, the Chairman shall draw the witnesses' attention to any relevant section of the Investigating Officer's report and ask the witness to confirm or correct the report and to provide any relevant evidence.
- (iii) No cross-examination shall be permitted but, at the conclusion of the Investigating Officer's report and/or of the evidence of each witness, the Chairman shall ask the Councillor if there are any matters upon which the Standards Committee should seek the comments of the Investigating Officer or the witness.

(d) The Councillor's response

- (i) The Chairman shall then invite the Councillor to respond to the Investigating Officer's report and to call any witnesses as necessary to address any points of difference.
- (ii) No cross-examination shall be permitted but, at the conclusion of the Councillor's evidence and/or of the evidence of each witness, the Chairman shall ask the Investigating Officer if there are any matters upon which the Standards Committee should seek the comments of the Councillor or the witness.

(e) Witnesses

- (i) The Standards Committee shall be entitled to refuse to hear evidence from the Investigating Officer, the Councillor or a witness unless they are satisfied that the witness is likely to give evidence which they need to hear in order to be able to determine whether there has been a failure to comply with the code of conduct.
- (ii) Any member of the Standards Committee may address questions to the Investigating Officer, to the Councillor or to any witness.

(f) Additional Evidence

At the conclusion of the evidence, the Chairman shall check with the members of the Standards Committee that they are satisfied that they have sufficient evidence to come to a considered conclusion on the matter.

- (g) If the Standards Committee at any stage prior to determining whether there was a failure to comply with the Code of Conduct are of the opinion that they require additional evidence on any point in order to be able to come to a considered conclusion on the matter, the Standards Committee may (on not more than one occasion) adjourn the hearing and make a request to the Investigating Officer to seek and provide such additional evidence and to undertake further investigation on any point specified by the Standards Committee
- (h) Determination as to whether there was a failure to comply with the Code of Conduct.
 - (i) At the conclusion of the Councillor's response, the Chairman shall ensure that each member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to determine whether there has been a failure to comply with the code of conduct as set out in the Investigating Officer's report.
 - (ii) Unless the determination merely confirms the Councillor's admission of a failure to comply with the Code of Conduct (as set out in Paragraph 6(a)(i) above), the Standards Committee shall then retire to another room to consider in private whether the Councillor did fail to comply with the Code of Conduct as set out in the Investigating Officer's report.
 - (iii) The Standards Committee shall take its decision on the balance of probability based on the evidence which it has received at the hearing.
 - (iv) The Standards Committee's function is to make a determination on the matter. It may, at any time, return to the main hearing room in order to seek additional evidence from the Investigating Officer, the Councillor or a witness, or to seek the legal advice from or on behalf of the Monitoring Officer. If it requires any further information, it may adjourn and instruct an officer or request the Councillor to produce such further evidence to the Standards Committee.
 - (v) At the conclusion of the Standards Committee's consideration, the Standards Committee shall consider whether it is minded to make any recommendations to the authority with a view to promoting high standards of conduct among Councillors.
 - (vi) The Standards Committee shall then return to the main hearing room and the Chairman will state the Standards Committee's principal findings of fact and their determination as to whether the Councillor failed to comply with the Code of Conduct as set out in the Investigating Officer's report. Where the legal advisor has provided legal advice to the committee during their deliberations the legal advisor will outline the advice sought

and given.

10. IF THE COUNCILLOR HAS NOT FAILED TO FOLLOW THE CODE OF CONDUCT

If the Standards Committee determines that the Councillor has not failed to follow the Code of Conduct in the manner set out in the Investigating Officer's report:

- (a) The Chairman will announce the Standard's Committee decision that the Councillor has not failed to follow the Code of Conduct in respect of the alleged matter. The Chairman will then move on to make any other announcements (if appropriate) as follows:
- (b) If the Standards Committee apprehends, from the evidence which they have received during the hearing, that a Councillor has failed to comply with the Code of Conduct (other than the matter which the Standards Committee has just determined), the Chairman shall outline the Standards Committee's concerns and state that the Standards Committee has referred this additional or alternative failure to the Monitoring Officer with a view to a further allegation being made to the Standards Board for England.
- (c) The Chairman should then set out any recommendations which the Standards Committee is minded to make to the authority with a view to promoting high standards of conduct among Councillors and seek the views of the Councillor, the Investigating Officer and the legal advisor before the Standards Committee finalises any such recommendations.
- (d) Finally, the Chairman should ask the Councillor whether he/she wishes the authority not to publish a statement of its finding in a local newspaper.

11. ACTION CONSEQUENT UPON A FAILURE TO COMPLY WITH THE CODE OF CONDUCT

- (a) The Chairman shall ask the Investigating Officer (if present, or otherwise the legal advisor) whether, in his/her opinion, the Councillor's failure to comply with the Code of Conduct is such that the Standards Committee should impose a sanction and, if so, what would be the appropriate sanction.
- (b) The Chairman will then ask the Councillor to respond to the Investigating Officer's advice.
- (c) The Chairman will then ensure that each member of the Standards Committee is satisfied that he/she has sufficient information to enable him/her to take an informed decision as to whether to impose a sanction and (if appropriate) as to the form of the sanction.
- (d) Any member of the Standards Committee may address questions to the Investigating Officer or to the Councillor as necessary to enable him/her to take such an informed decision.
- (e) The Chairman should then set out any recommendations which the Standards Committee is minded to make to the authority with a view to promoting high standards of conduct among Councillors and seek the views of the Councillor, the Investigating Officer and the legal advisor;
- (f) The Standards Committee shall then retire to another room to consider in private whether to impose a sanction, (where a sanction is to be imposed) what sanction to impose and when that sanction should take effect, and any recommendations

which the Standards Committee will make to the authority.

- (g) At the completion of their consideration, the Standards Committee shall return to the main hearing room and the Chairman shall state the Standards Committee's decisions as to whether to impose a sanction and (where a sanction is to be imposed) the nature of that sanction, and when it should take effect, together with the principal reasons for those decisions, and any recommendations which the Standards Committee will make to the authority.

12. REFERENCE BACK TO THE ETHICAL STANDARDS OFFICER

If, at any time before the Standards Committee has determined upon any appropriate sanction, the Standards Committee considers that the nature of the failure to comply with the Code of Conduct for Members is such that the appropriate sanction would exceed the powers of the Standards Committee, the Standards Committee may instruct the Monitoring Officer to request the Ethical Standards Officer to resume responsibility for the conduct of the matter, and may adjourn the hearing until the Monitoring Officer advises the Standards Committee of the Ethical standards Officer's response to such a request.

13. THE CLOSE OF THE HEARING

- (a) The Standards Committee will announce its decision on the day of the hearing and provide the Committee Clerk with a short written statement of their decision, which the Committee Clerk will deliver to the Councillor as soon as practicable after the close of the hearing;
- (b) The Chairman will thank all those present who have contributed to the conduct of the hearing and formally close the hearing;
- (c) Following the close of the hearing, the Committee Clerk will produce a formal written notice of the Standards Committee's determination and the Monitoring Officer shall arrange for the distribution and publication of that notice (or a summary of that notice, where required) within two weeks of the close of the hearing to:
- the Councillor
 - the Investigating Officer
 - the Members of the Standards Committee
 - any Parish or Town Council concerned in the meeting
 - the person who made the allegation

and shall arrange for a summary of the findings and the penalty imposed for the breach of the Code of Conduct to be published in one or more newspapers independent of the Council and circulating in the area.

14. APPEALS.

The Councillor may appeal against the decision of the Standards Committee by writing to the President of the Adjudication Panel for England, ensuring that his letter sets out the grounds for such an appeal, includes a statement as to whether or not he consents to the appeal being heard by way of written representations, and is received by the President within 21 days of the date of the written notice of decision under Paragraph

9(c)

End.