

STANDARDS COMPLAINTS PANEL

17 November 2016

DECISION NOTICE - Reference: 14385

Complaint

On 17 November 2016, the Standards Complaints Panel considered a complaint received by the Monitoring Officer on 3 November 2015 about the conduct of Councillor Tom Reynolds, a member of Frodsham Town Council (FTC).

The complaint was made by Councillor Andrew Dawson and Councillor Lynn Riley, members of Cheshire West and Chester Council (CW&C). They alleged that in his e-mail of 2 November 2015 Councillor Reynolds made false accusations against Councillor Dawson implying that he, and by extension, Councillor Riley, had acted "inappropriately and heedless of conflict of interest" in relation to FTC's decision to move its office to the ground floor of Castle Park House. Councillors Dawson and Riley also alleged that this was part of a "sustained pattern of unjustified, vitriolic abuse, harassment and disparagement". The complaint alleged that Councillor Reynolds had breached FTC's Code of Conduct.

Investigation

In accordance with the CW&C Arrangements for Dealing with Standards Complaints, the Monitoring Officer, in consultation with the Independent Person, arranged a formal investigation of the complaint. The independent investigator, Mr Alex Oram of ch&i associates completed his report on 2 June 2016 and recommended that Councillor Reynolds should be found to have failed to comply with paragraph 3.1 vii of FTC's Code of Conduct because he failed to show others respect in his e-mails of 2 November 2015. In his report, Mr Oram also said "I would strongly encourage Councillor Reynolds to reflect on his use of e-mail in general, in particular whether his approach is conducive to encouraging constructive communication".

Following the conclusion of the investigation, the Monitoring Officer consulted the Independent Person and the Parish Representative and referred the complaint to the Standards Complaints Panel for hearing, as local resolution was not considered appropriate.

Representations

Vanessa Whiting, the Monitoring Officer, presented her report enclosing the Investigator's Report.

Alex Oram, the investigator, gave an overview of his report and made representations on his findings and the validity of FTC's Code of Conduct.

Councillor Tom Reynolds (subject member) made representations to the Panel concerning the sending of e-mails, FTC's Code of Conduct and the FTC dispute resolution process.

Councillor Andrew Dawson (complainant) addressed the Panel, concerning Castle Park House.

The Panel asked questions of Mr Oram and Councillor Reynolds. Mr Oram and Councillor Reynolds then each made a closing statement.

In accordance with the Localism Act 2011 and the Council's complaints arrangements, the views of Parish Representative, Peter Duffy and Independent Person, Derek Barnett were sought and they addressed the Panel. Their views were taken into account by the Panel before it made its decision.

Decision

The Panel found that on 2 November 2015 Councillor Reynolds failed to comply with FTC's Member Code of Conduct Section 3.1 vii which requires members to treat others with respect.

The Panel concluded that his conduct fell below that expected of those in Public Office and with regard to the Nolan Principles.

Reasons for the unanimous decision

The Panel accepted the findings and recommendations in the investigator's report.

The Panel was satisfied that the complaint fell to be considered under FTC's Code of Conduct. The investigator, the Monitoring Officer and the legal adviser to the Panel had advised the Panel that FTC's code was valid. The complaint fell to be dealt with under CW&C's arrangements, not the FTC Dispute Resolution Policy and Procedure.

Councillor Reynolds did not dispute sending the e-mail which alleged that the complainants acted improperly and illegally. He did not provide any evidence in support of the allegations about the councillors' integrity. When asked whether he would withdraw the e-mail he said that he would not.

There was an expectation that conduct would be professional and to encourage robust debate. Whilst Councillor Reynolds might consider his intentions good, the e-mail content was hostile, unjustified, abusive and inaccurate.

Sanctions

The Panel agreed

1. To publish the findings of the Panel;
2. To report its findings to Frodsham Town Council for information;
3. To recommend to Frodsham Town Council that Councillor Reynold's behaviour, namely the lack of respect shown in the email dated 2 November 2015 to Councillor Andrew Dawson, which gave rise to the complaint, is censured;
4. To recommend to Frodsham Town Council that they arrange suitable training for Councillor Reynolds so that he has a clear understanding of:
 - Ways in which queries and concerns can be raised and escalated
 - Acceptable standards of behaviour as a Town Councillor
 - The Localism Act 2011.

In addition, the Panel recommended that Councillor Reynolds carefully consider the circulation list for emails and limit it to those involved in the matter. He may also wish to reflect on the time at which emails are sent.

Finally, the Panel requested that all parties now accept the findings and recommendations of the investigation and treat this matter as closed.

Vanessa Whiting
Monitoring Officer and Director of Governance

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Signed

Date 24 November 2016



