

Governance Committee: Code of Conduct Complaints against Councillor Hart

RESOLVED that the Committee found four breaches of the code of conduct by Cllr Hart and made recommendations as detailed below;

Reasons for Decision:

The Committee reached the following decisions:-

Allegation 1 – it was held that there was a technical breach by Parish Councillor Hart in that he had failed to register his interests correctly. It was noted that Cllr Hart had co operated with the Monitoring Officer subsequently to rectify this issue, the form issued was old and not fit for purpose and as a result of this no further action should be taken against Cllr Hart in relation to the technical breach of the code of conduct. It was raised that there were others within the Parish Council similarly failing to ensure their register of interests was correctly completed in accordance with the Code of Conduct and statutory requirements. In light of the latter point and mindful of the fact that some new parish councillors had joined the Parish Council this year, the committee recommended that the Parish Council through their clerk takes steps to make sure all parish councillors have the correct form, guidance and training necessary to enable all parish councillors to properly complete the register of interests.

Allegation 4 – it was also held that there was a technical breach by Parish Councillor Hart in that he failed to declare the appropriate interest at the two meetings. It was noted that this had been a genuine oversight not for any personal or other gain and that Cllr Hart's interests were generally well known by others at the Parish Council. It was determined that no further action should be taken against Parish Councillor Hart for this technical breach of the Code of Conduct. Notwithstanding this the committee was conscious that there is generally a good level of public attendance at public meetings in this parish and therefore likely that the public would have been in attendance so it was important for transparency and compliance reasons for Cllr Hart (and other parish councillors) to ensure that the rules for declaring interests are in future strictly followed to the letter. The Committee recommends that the Parish Council (through their clerk) takes all steps to ensure that members are aware of the requirements to declare interests and that dispensations for councillors are considered eg with a view to ensuring there is a consistent approach to participation in any items of parish business relating to this dispute. The committee also recommends that the Parish Council through their clerk ensures that only items on the agenda are permitted to be discussed at the parish meeting.

Allegation 6b – it was held (by majority as Cllr Wright did not agree that there was a breach of the code of conduct) that Parish Councillor Hart had brought his office into disrepute by the way he raised an item not on the parish council agenda, namely through sliding a padlock across the table at a parish meeting. The padlock related to the long running dispute and had been put in place by the Parish Council. The intent behind the return of the padlock in this manner was provocative and designed to let others know in no uncertain terms that Parish Councillor Hart would not accept the parish council approach. Parish Councillor Hart was cautioned by the committee and reminded that he should in future conduct himself more professionally and appropriately when he was acting as a Parish Councillor. It was recommended that all Parish Councillors are also similarly reminded of appropriate behaviour when they are acting in their official capacity.

Allegation 8 – it was held that Parish Councillor Hart had called Cllr Fleming a “liar” at two public meetings. It was noted that this was not appropriate language nor manner (eg without notice) in which to raise concerns about whether Cllr Fleming was being truthful in the comments made at an earlier meeting. Parish Councillor Hart was cautioned by the committee

and reminded that he should in future think more carefully about the language and manner of raising concerns about other parish councillors more when acting as a Parish Councillor. It was recommended that all Parish Councillors are also similarly reminded of appropriate language when they are acting in their official capacity.

Committee members expressed concern about wider parish issues and particularly hearing that there are two sides/camps to a long running dispute relating to Bell Fields trust and how this was affecting Parish Council business to the point where the parish council is generally regarded as dysfunctional. Members noted at the meeting that the Chair had to remind attendees in the public gallery to not interrupt and make comments to keep order on a number of occasions and that emotions ran high on both sides to the dispute which is understood to be before the High Court. For this reason, the Committee recommended that the Parish Council considered the use of mediation to try to find a middle ground for all interested parties to agree upon that enabled parish business to focus upon and best serve the local community and the public interest.

Parish Council representatives reminded the Committee of the support available from the Association of Local Councils and nationally from NALC. Clarification and guidance could also be sought from the Monitoring Officer.