

**24 March 2014**

**Ottery St Mary Town Council complaints conclusion**

The District Council's procedure for handling complaints about councillors is, for the most part, a confidential process. This is in order to protect councillors from unfounded and potentially politically motivated complaints. The options open to me, the Monitoring Officer, who receives and considers the complaints, are:

- a. No further action (usually due to insufficient evidence that there has been a breach of the councillor Code of Conduct)
- b. An informal resolution between the complainant and councillor
- c. Referral of the complaint for an investigation
- d. Other action (such as referring the complaint to the Leader of a political group or to the relevant Town/Parish Council)

If the Monitoring Officer chooses the option to investigate and the Investigator finds there has been a breach of the Code of Conduct, which it is not possible to resolve informally, there is a public Hearing. This is the point at which there is an expectation that the matter is no longer confidential. At the Hearing, a committee of councillors will decide whether they agree or otherwise that there has been a breach of the Code. In the case of a Town Councillor, the matter is then referred back to the Town Council for a decision about a sanction (although these are very limited under the Localism Act).

I have received 24 complaints in relation to events at Ottery St Mary Town Council in the run up to Christmas. Ten were questioning the way the Council operates and 14 were about various councillors' actions. I have looked carefully into all of the allegations through discussion with the members of the Town Council who met with me in January 2014, and separately with Town/District Councillor Giles and District Councillor C Wright. I have spoken at length with the Town Clerk and her Deputy and they have also supplied me with all relevant paperwork to inform my thinking. I have discussed the issues and my findings with the District Council's appointed Independent Person. I have sent a confidential response to each complainant.

Given the very public nature of the events, I have agreed to publish the outcome. However, the detailed assessment of individual actions, and in my view misjudgements, of both officers and councillors, is something that I have asked the Town Council to debate in confidential session.

The outcome I have agreed to publish is this:

In view of this combination of issues, and my very detailed assessment of events, I have decided not to refer the complaints for formal investigation but suggest to the Town Council that they reflect on events, their behaviour and my advice and consider what they might learn for the future. Specifically, I would like them to consider:

- a. officer training/mentoring support in council administration and process for all staff tasked with supporting the Town Council
- b. chairing meetings training for all members who hold this position.
- c. assertiveness/team building training for the whole Council in order to set ground rules for behaviour during meetings.

In terms of b and c, in my view, these are very important for tackling the perceived culture of the Council meetings. I recognise that the potential for aggressive and unpleasant behaviour has been heightened by recent events; however, I am concerned that the future democratic health of the Council depends on respectful relationships. In my view, a clear focus on well-managed debate that encourages active listening and fair comment is key to bringing about change. I can recommend respected facilitators if the Council would find that helpful.

This decision is final and in line with the Council's procedure for handling Code of Conduct complaints.

Denise Lyon  
Deputy Chief Executive and Monitoring Officer