

AGENDA ITEM NO. 7
Conduct Committee

Date **7 November 2013**

Title **Member Conduct Complaint – Councillor Jolley and Councillor Emery**

1. PURPOSE/SUMMARY

To consider a complaint under the member code of Conduct against Councillor Jolley and Councillor Emery of Manea Parish Council.

2. KEY ISSUES

- A complaint has been raised by Councillor Archer, about the Conduct of Councillor Jolley and Councillor Emery.
- Councillor Jolley and Councillor Emery have been offered the opportunity to provide an initial written response to the complaint; these are attached.
- The Conduct Committee is asked to consider the complaints and determine if they disclose a likely breach of the member code of conduct.

3. RECOMMENDATION(S)

Members consider the complaints and responses and determine the initial consideration of the complaints.

Wards Affected	All
Forward Plan Reference No. (if applicable)	NA
Portfolio Holder(s)	
Report Originator	Alan Pain, Corporate Director and Monitoring Officer
Contact Officer(s)	Alan Pain, Corporate Director and Monitoring Officer Tom Lewis, Principle Solicitor and Deputy Monitoring Officer
Background Paper(s)	

1. BACKGROUND/INTRODUCTION

Councillor Archer submitted a complaint about the conduct of Councillor Jolley and Councillor Emery on 11th September.

Councillor Jolley and Councillor Emery have been provided with the above complaint and offered the opportunity to respond; their responses are attached.

Councillor Archer also provided correspondence from Councillor Fielding; this is attached.

2. CONSIDERATIONS

Members must consider the complaint against the member code of conduct.

Members must consider whether or not there is a reasonable prospect of the complaint being proven based on the information held. In considering this members are to be aware of the fact that should an investigation occur further evidence or detail can be sought.

Members are advised that where a complaint contains a number of elements they may chose to consider each element separately or take the whole complaint together.

Where members consider that there is a reasonable prospect that a breach of the code of conduct has occurred they should give consideration as to whether or not there should be an investigation of the complaint.

Members should consider the following points in determining whether an investigation should occur:

- Has the Complaint already been investigated, or is it already the subject of investigation?
- Is the Complaint more appropriately dealt with through another regulatory channel?
- Is the complaint about something which happened so long ago that there would be little benefit in taking action now?
- Is the complaint too trivial to warrant further action?
- Does the compliant appear to be malicious or simply tit for tat?

Where members consider that an investigation is appropriate the Monitoring Officer will be asked to make suitable arrangements for such an investigation. Members are asked to give any particular comments on the scope or direction of the investigation.

If members do not consider that there is a potential breach of the code of conduct or that there is no reasonable prospect of any breach being disclosed or that the complaint does not merit further investigation then no further action is taken in respect of the complaint save for notifying the member and the complainant.

From: Mark Archer <MarkArcher@IndustrialIJ.com>
Sent: 11 September 2013 08:51
To: Alan Pain
Cc: Paul Medd
Subject: Member Conduct Complaint

Dear Alan

Could you please use the red highlighted section of the e-mail below to form the basis of my conduct complaint against Cllr's Emery and Jolley.

Both Cllr's have been aware of the unauthorized dwelling constructed on the land owned by Mr Savage and have deliberately attempted to cover this up and deter another Cllr, namely Cllr Alan Fielding from reporting the building to Planning Enforcement .

Prior to the start July's Parish Council meeting, Cllr Fielding had intended to report this unlawful dwelling to the council. Cllr's Emery and Jolley were aware of this, and before the meeting started took Cllr Fielding to one side (they actually took him into the Village Hall kitchen) and warned him about the consequences of his proposed actions. They told him to keep quite as Mr Savage 'knew too much' about the councils business and could cause a lot of trouble for us. I have no idea what this meant but what they said and the manner in which it was said was enough to deter Cllr Fielding from reporting the unlawful building at that time.

Since that time Cllr Fielding has had a number of intimidating encounters with Mr Savage, with threats of violence if he involved himself in this issue and he has had a visit from Cllr Jolley reiterating his advice to keep quiet about the matter.

Cllr Fielding was also seen talking to me on one occasion in our local public house, The Rose and Crown, and Cllr Jolley warned Cllr Fielding about talking to me in public about this issue.

Cllr Fielding has subsequently reported these matters to me, which is why I am now making this complaint.

The actions of Cllr's Emery and Jolley are improper, to my mind illegal and are not becoming of someone holding any public office.

I believe their actions have damaged the reputation of Manea Parish Council and Cllr Jolley's actions have brought the reputation of Fenland District Council into disrepute.

Both Cllr Fielding and myself will be very happy to answer any further questions you may have regarding this complaint.

Best Regards
Cllr Mark Archer
Manea Parish Council
Fenland District Council

From: Mark Archer
Sent: 04 September 2013 15:19
To: 'planningenforcement@fenland.gov.uk'
Cc: 'AlanPain@fenland.gov.uk'; 'paulmed@fenland.gov.uk'
Subject: Unlawfull Building in Manea

FAO Heidi Wedge

Hi Heidi

As per our conversation earlier I am just putting in writing my request for you to investigate reports of an unlawful dwelling that has been erected on land to the rear of The Old Dairy Yard in Manea.

A number of residents have reported this to myself and another Parish Councillor, Cllr Allan Fielding and we have both been to the site and can confirm there is what appears to be a permanent single storey dwelling located on this piece of land which is owned by a Mr Tommy Savage.

To my knowledge no planning permission for this building has been granted by FDC.

As I also mentioned, what is just as concerning is that it appears that at least 2 members of Manea Parish Council (one of whom is also a member of FDC) have been aware of this building for some time and have not only decided to turn a 'blind eye' to it but have also warned off Cllr Fielding from reporting the matter. If true this is not only improper behaviour but probably criminal and I will be asking the monitoring officer and our legal team to look into this. (hence Alan and Paul being CC'd)

I intend to bring this to the public's attention very shortly, however I am aware that 10 days is the period allowed for your team to look into the matter and formulate a response, so I am happy to hold off until then.

Please contact me directly if you require any further information.

Regards

Mark

RECEIVED
19 SEP 2013

1, Orchard Close,
Manea
March
Cambs
PE15 0JW
18th Sept 2013

Re:- Code of Conduct Complaint.

Dear Mr Pain,

May I reply to Mr Archers complaint.
After reading the E-mail, I must say I do find
the whole complaint ludicrous.

The content of this complaint is all hearsay.
On the night of the July meeting Councillor Fielding
approached me before the start of the Parish Council
meeting, saying he had recieved a complaint from
"a customer" relating to Mr Savage apparently
building a dwelling without permission. I informed
Mr Fielding to ask ~~the~~ complainant to put this
information in writing to either the P.C or directly
to the planning office at F.D.C. At this point Councillor
Jolley joined us and repeated my comments. Present
in the room, including myself and Mr Jolley were
four other councillors, making a total of seven, a
number of residents from Charlemont Estate who were
there for the open forum along with our clerk, Mr Terry
Jordan, and District Councillor Dave Conner.

At no point did we leave the room and go into the
kitchen, and I certainly made no comment about
Mr Savage "knowing all about the Parish Councils business"
As a council, we have always prided ourselves on
openness and honesty.

As already stated by Mr Archer himself, a conversation was held in the Village Public House, where both councillors were overheard making derogatory comments about other members of the Parish Council, And I do believe this complaint is part of a witch hunt to discredit myself and councillor Jolley. This comes from a councillor who has only attended one meeting in the last five, and that was last Monday 16th September.

I also feel that Mr Archer's conduct in this matter is questionable as both he and Councillor Fielding have history with Mr Sarge. Mr Archer shows no respect to fellow councillors, be they Parish or District, and is very hostile to anyone who has a different point of view from him.

I am a Manea man, born and bred, and I have been a member of Manea Parish Council for nearly 30 years, and I pride myself on doing the very best I can for my village, along with my fellow councillors, and would never do anything to bring our council into disrepute.

Yours Sincerely

B. Ewen

From: Mark Archer <MarkArcher@IndustrialIJ.com>
Sent: 10 October 2013 11:35
To: Alan Pain
Subject: FW: complaint

Hi Alan

As promised a brief e-mail from Cllr Fielding regarding my complaints about the conduct of Cllr Jolley and Emery.

Best Regards
Mark Archer

From: Alan @ A.FieldingLtd [<mailto:admin@afieldingltd.co.uk>]
Sent: 10 October 2013 11:20
To: Mark Archer
Subject: complaint

Hello Mark,

With regards to the complaints you have made about Cllr's Emery and Jolley, I would just like to say that I fully support your complaints and will stand by the claims that I made to you which prompted your action in the first place.

You have explained to me the nature of the two Cllr's responses to your complaint and I believe these to be a pack of lies and that there has obviously been some level of collusion in their replies.

I would like to correct some of the factual information you have reported though.

In your complaint you may have misunderstood which meeting I was referring to that these events took place. It was not before the July Parish council meeting but before the Parish Annual Assembly that the discussion in the kitchen took place. As it was the annual assembly we had prepared for hot drinks to be available for any members of the public that attended.

I was approached by Cllr Emery before the meeting and then CllrJolley contacted me via telephone and told me that we need to have a meeting before the council meeting in the kitchen in the village hall, to discuss the matter of Mr Savage and his new building.

All the other facts you have reported are a true representation of the events as they occurred.

Kind regards

Councillor Fielding

A.Fielding

From: popjolley <popjolley@aol.com>
Sent: 17 September 2013 11:38
To: Alan Pain
Subject: Re: FW: Member Conduct Complaint

Morning Alan

My response to conduct allegations.

1. Firstly I can categorically state that I did not at any time know that Mr.Savage was living in an unauthorised building.
2. At July Parish Council meeting Cllr Fielding asked the chairman the procedure in reporting an unauthorised building. Cllr Emery called me over and he stated that he did not have to bring it to the Parish Council but could report it himself or get the complainant to do so. At no time did we go into the kitchen area. I am sure this can be confirmed by the Clerk and the remaining Parish Councillors.
3. I called at Cllr Fieldings business to order some lawnmower parts. Mr.Fielding again mentioned about Mr.Savage and again I reiterated that he could report it himself.
4. On another occasion the drinking with Cllr Archer was mentioned but at no time did I suggest he should not be seen with Cllr Archer.

Finally I have not received one complaint about Mr. Savage living in an authorised building. If I had received a complaint I would have acted on it immediately. This is completely all hearsay and I feel this a witch-hunt to try to embarrass me as Cllr Archer has a personal grievance against me for some unknown reason.

Yours sincerely

Paul Jolley
Manea Parish Councillor

In a message dated 09/11/13 14:29:09 GMT Daylight Time, AlanPain@fenland.gov.uk writes:

Dear Cllr Jolley

As discussed, we have received the complaint below from Cllr Archer. As per our Conduct procedure, please may I ask you to consider the points raised and if you wish to do so, to provide any initial thoughts or response back to me within the next 7 days.

At this stage we are still very much at the point of trying to see if the issues can be resolved informally, and I would therefore give Cllr Archer the opportunity to respond to any points that you may wish to put forward, with an informal outcome in mind.

If an informal resolution is not possible then the complaint would go forward to the Conduct Committee for their initial consideration.

As you may be aware, the Council has also appointed an Independent person, Ann Hay, with whom you may wish to discuss the matter at any stage. Please let me know if you would like me to forward her contact details to you. Also, please do feel free to contact me if I can provide any further assistance in terms of the next steps.

Regards,

Alan

Alan Pain
Corporate Director
Fenland District Council
Tel: 01354 622302
Mob: 07545 419149
alanpain@fenland.gov.uk

Our mission as a Council 'To improve quality of life for people living in Fenland'

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Mark