

CONDUCT COMMITTEE



2 APRIL 2014 - 9.30AM

PRESENT: Councillor Yeulett(Chairman), Councillor Humphrey, Councillor Skoulding, Councillor Sutton, Councillor Mason, Councillor Russell, Ann Hay and Claire Hawden-Beal.

APOLOGIES: ALSO IN ATTENDANCE: Councillor Archer, Councillor Mrs Desborough (Vice Chairman - Manea Parish Council), Councillor Emery, Councillor Fielding, Councillor Jolley, Terry Jordan (Clerk - Manea Parish Council) and Stephen Pearson (Independent Investigator)

Officers in attendance: Jane Bailey (Member Services & Governance), Tom Lewis (Deputy Monitoring Officer) and Alan Pain (Corporate Director & Monitoring Officer),

CND16/13 PREVIOUS MINUTES

The minutes of the meeting of 20 February 2014 were confirmed and signed.

Alan Pain updated members as follows:

- He confirmed that all of the action points from the previous meeting were carried out, letters sent as discussed and that Councillor Connor had been contacted with regards to further training.

*** FOR INFORMATION OF THE COUNCIL ***

CND17/13 MEMBER CONDUCT HEARING - COUNCILLORS EMERY AND JOLLEY

Members considered a complaint under The Code of Conduct into allegations concerning Councillors Jolley and Emery of Manea Parish Council.

Members were reminded of the rules of procedure and the process to be followed at today's hearing.

Councillor Humphrey expressed concern that the case is being reported on in the local press, and stated that the report says 'Private and Confidential'.

Alan Pain informed members that the report is held as a confidential document while the investigations are ongoing but once the agenda for the meeting has been published those documents are public. The Conduct Committee is a public meeting.

Stephen Pearson stated that he understood there has been coverage of his report in the press in advance of the meeting.

Councillor Yeulett stated that he finds this very disturbing, the Committee is dealing with people's reputations and therefore these documents should be treated with respect.

Councillor Humphrey agreed that this issue is disturbing.

Ann Hay confirmed that she had been surprised that the information was in the public domain.

Councillor Mason confirmed that he had read information about the case in the newspaper before he had received the agenda and papers for the meeting.

Councillor Yeulett agreed that this issue needs to be investigated further and apologised to the members involved in the investigation that they have been subject to this.

Stephen Pearson outlined his report and stated that weighing up the case it would appear that Councillor Fielding was discouraged from raising his issue with Manea Parish Council by more experienced members. He added that in his opinion it was not normal that requests should be put in writing for issues to be discussed by the Parish Council or to be added to the agenda. Normally the Chairman of the Parish Council, with a serious matter of concern, would have raised this in the usual way. As a new Councillor, Councillor Fielding believed that this issue had not been responded to in the correct manner and it took Councillor Archer to pick this issue up. It seems that in a small rural community lots of people knew what was going on but nothing was being done about it, and the vague relationships between those involved creates some suspicion.

Councillor Archer stated that he was not responsible for leaking the report to the press. Councillor Yeulett stated that he had no views what so ever on who might have leaked reports, he reassured members that this is a separate issue that does not affect the business to be discussed at the meeting today and that his only concern is that everybody gets a fair hearing here today.

Councillor Archer stated that Manea Parish Council follows the FDC Code of Conduct, and Councillor Jolley has a senior position at FDC. Councillor Emery stated that this is not relevant.

Councillor Archer stated that he finds it inconceivable that Councillors Jolley and Emery, who are both well known in the community, had no idea what was going on. He stated that he had not raised this at Parish Council as he had already raised it as a complaint; he added that he has no issue with Mr Savage, his compliance or non-compliance will be dealt with as a planning issue, his issue is with the conduct of members only.

Councillor Archer stated that there is a mix up with regards to the dates, there are references to June and July, but confirmed that the events that took place took place at the Annual Assembly in April, as this is the only meeting at which refreshments are offered, and there were refreshments at the meeting. He apologised for the mix up stating that we should be concentrating on the allegations and not focusing on the dates.

Councillor Archer stated that with regards to the reasoning's as to whether there have been failures to comply with the Code of Conduct findings detailed in the report he would like to make the following comments:

- 8.1, he agrees with this point;
- 8.2 and 8.3, he disagrees, and feels that Councillor Fielding has been intimidated even as late as last night;
- 8.4, agrees that this is difficult to prove;
- 8.5 and 8.6, disagrees to some extent as he feels that Councillor Jolley is a senior member of FDC, and is bringing his office or authority into disrepute.

Councillor Emery stated that he refutes the proven issues of the independent investigator. He added that he categorically denies going into the kitchen at any time to warn off Councillor Fielding, and that at no time has he ever phoned him about this issue.

Councillor Emery asked Stephen Pearson if he regards Councillor Fielding as an honest man. Stephen Pearson stated that he has no reason to doubt his sincerity. Councillor Emery stated that he repeats his earlier comment and refutes the allegations. He added that he feels that he is being harshly criticised as he is the Chairman, but that he feels he has no more authority than the other Parish Councillors.

Councillor Jolley stated that when he does something wrong he will put his hands up and admit it. We did treat Councillor Fielding with respect, he asked how to take this issue forward and he was told. It was not our duty to take this issue forward for him.

Stephen Pearson responded stating that there are allegations that Councillor Fielding was told to keep quiet, but the conclusions are for the Committee to reach. When a matter was brought to your attention you did not chose to bring this forward, and I feel that in these situations we must show ourselves to be whiter than white, and I am afraid that was not the case.

Councillor Emery stated that at no time did Councillor Fielding ask for this issue to be brought forward on the agenda for Manea Parish Council.

Councillor Skoulding stated that at the Town Council meetings held in March, if I want to put anything forward for discussion, I make that request in writing. So I can see Councillor Jolley and Emery's point of view with regards to that. Stephen Pearson stated that often Parish Council arrangements are more informal, but practices vary in different authorities.

Councillor Sutton stated that page 55 of the pack states that Councillor Jolley has some concerns about his involvement in this complaint. He asked if Stephen Pearson could clarify that there is no problem. Stephen Pearson agreed, stating that he is happy to confirm this.

Councillor Mason stated that any allegation must be proven, and in these findings there is a lack of corroboration. He added that he is confused as to why the issue has not been raised by Councillor Fielding himself. Stephen Pearson agreed that he is troubled by the fact that this issue was raised second hand.

Councillor Mason stated that he agrees with 8.1 (You must treat others with respect). Councillor Fielding is inexperienced and sought advice from the Clerk. Stephen Pearson stated that 7.4 refers to this and that the key word is required. In this case his advice was correct; it does not have to be discussed at Parish Council.

Councillor Mason continues, he asks where does Councillor Fielding go from there, he goes to Councillor Archer. I feel he is looking for guidance but that he is not being given that guidance.

Councillor Humphrey stated that allegations had been made that Mr Savage knew things and would cause trouble; he asked if any investigations had been made to clarify this. Stephen Pearson confirmed that to some degree and referred Councillor Humphrey to page 57, 61 and 62. He stated that nobody has been able to confirm that Mr Savage had the report prior to its publication.

Councillor Humphrey stated that there has been a comment that Parish Councils are more relaxed, but pointed out that a planning breach does not have to be brought forward to the meeting to be reported. Stephen Pearson stated that in his experience if there is a planning enforcement department, they are more likely to take up issues that have been reported by a Parish Councillor.

Ann Hay asked on what balance is 8.6 (using or attempting to use your position as a member to confer an advantage or disadvantage for yourself or another person) proven for Councillor Emery and not for Councillor Jolley. Stephen Pearson stated that this is a difficult distinction to be made

but felt that Councillor Emery was more directly involved, Councillor Jolley was in the room, but played more of a supporting role. The point about using a position refers to Councillor Emery as Chairman holding a position of authority.

Councillor Archer stated that on the point about Parish Councils bringing issues forward onto the agenda, the Chairman has the authority to decide if something is to be added. Terry Jordan stated that there is no longer the opportunity on the agenda to do this.

Councillor Humphrey asked Terry Jordan for clarification on this point. Terry Jordan confirmed that there is not an item of 'any other business' or words to that effect. This was previously included; however as a result of a previous investigation it has been removed and unless an item is included on the printed agenda it is not discussed at that meeting.

Councillor Jolley asked for clarification that the meeting in question took place in April. Councillor Archer confirmed it was the Annual Assembly which took place in April.

Councillor Emery stated that he had been assured that it was with reference to the July meeting, comments in this report stipulate that it was the July meeting. If I was under pressure, I would remember when it was. The report specifically says July.

Councillor Yeulett referred to page 16 - 'There appears to be some confusion around the following issues, Whether the incidents complained of took place at the April Annual Parish Council Meeting or the July Regular Parish Council Meeting'. He stated that I think members are aware that there is some confusion over the dates, but we are focusing on the enquiry.

Councillor Emery introduced Councillor Mrs Desborough - Vice Chairman of Manea Parish Council. Councillor Mrs Desborough stated that this is very confusing as originally the meeting referred to was in July. She said that she spoke to Councillor Fielding in his shop and he said that he was going to raise this issue at the Parish Council Meeting; I asked Councillor Fielding if he had spoken to Terry Jordan as the issue would not be discussed if it was not on the agenda. She added that if this was referring to the April meeting, why did we have this conversation in July.

Mrs Desborough stated that at no time did she see Councillor Emery or Councillor Jolley go outside with anybody and finds it difficult to believe that nobody else has been asked what happened. She added that it is disturbing that that this can go on and I am not at all surprised that people do not want to join their local town or parish council.

Terry Jordan stated that it was alleged to have taken place at the July meeting but there would have been no refreshments at that meeting as they are only served in April. Most of the Parish Councillors were present and some members of the public, and nobody has been asked if they saw people leaving the meeting at any time. With regards to procedure, there is no requirement for requests to be made in writing and if something is highlighted and it is relevant it would be added to the agenda. The chairman holds a position in the meeting to keep order and to have the second or casting vote, he holds no other powers than any other member at the meeting. He confirmed that he had a conversation with Councillor Fielding as documented within the report. He stated that he has a concern about this case as the victim is not the complainant and that the complaint has been made second hand.

Councillor Emery stated that there has been reference made with regards to my relationship with Mr Savage and clarified that he has worked for him in the past, but not since October 2003, whenever Mr Savage has been involved in anything at Parish Council meetings I have no current interests to declare.

Councillor Jolley added his concern about the complaint being made second hand. He highlighted that fact that if the incident took place at the April meeting, Mr Savage moved in on the 28 April

and the meeting took place on 21 April. He stated that Councillor Fielding had prior knowledge as his friend had moved in, but was bringing this forward as his problem was with Mr Savage.

Councillor Emery stated that Councillor Fielding has run 2 businesses in Manea for 2 years and at our last Parish meeting he applied for retrospective planning permission. Councillor Yeulett suggested that this was not information required for this enquiry and is a separate issue.

Councillor Jolley stated that it would be good to be able to confirm the dates as the report refers to different dates than those that we are now discussing. Councillor Yeulett confirmed that the report draws attention to the fact that there are disputes over the dates.

Stephen Pearson asked Councillor Emery when he was first made aware of the planning issue. Councillor Emery confirmed that Councillor Fielding spoke to him at the July meeting and this is the first I had heard about it.

Councillor Sutton asked Councillor Emery if he disputes the fact that the Chairman has a greater obligation than others as referenced at 8.6. Councillor Emery stated that he does not think that he is, but if that is the case, then yes.

Councillor Sutton asked Councillor Emery, you agree that Councillor Fielding approached you in the presence of Councillor Jolley, why would you not have taken that issue forward. Councillor Emery confirmed that Councillor Fielding asked about the procedure for taking a complaint forward and he was given an answer. If he had asked at that point for it to be added I would have done so, but at no time did he take it forward.

Councillor Sutton stated that as senior members you should have taken it forward. He asked Councillor Jolley and Councillor Emery if they had previous knowledge of this issue would they have taken it forward themselves. Both Councillor Jolley and Emery confirmed that they would.

Councillor Sutton asked Councillor Jolley and Councillor Emery if they had known personally that this property was lived in would they have brought it forward to the Parish Council. Both Councillor Jolley and Councillor Emery confirmed that they would.

Councillor Sutton stated that on page 65 Councillor Jolley confirmed that he visited the property regularly. Councillor Jolley confirmed that he had not realised at that time that the planning permission was not correct. Councillor Yeulett stated that this information is taken from a newspaper article and should be taken in context.

Councillor Sutton stated that he is just trying to clarify that if Councillor Jolley had knowledge of this issue he would have done something about it. He stated that he had seen letters from Councillors Jolley, Archer and Melton who all knew that Mr Savage lived there for 5 years and did not report this fact. Councillor Jolley confirmed that he did not know about the planning permission.

Councillor Yeulett asked for clarification about the letters that Councillor Sutton is referring to. Councillor Sutton stated that the letters are public documents and are available for everybody to see.

Councillor Emery asked if Councillor Sutton is referring to a previous issue. Councillor Sutton confirmed he is referring to the garage. Councillor Emery confirmed that he had not realised that Mr Savage was living there. Councillor Sutton stated that in the document it says that the Parish Council knew that he was living there for 4 years. Councillor Yeulett asked what the relevance is to this case. Stephen Pearson stated that it does indicate that Mr Savage has a past history with regards to a breach of planning.

Ann Hay referred to page 53, comments of Councillor Emery, and asked what was meant by

Councillor should be able to serve their Parish. Councillor Emery confirmed that he is part of the Parish Council to serve the community that he was born into and has lived in, and that he does not feel that you should serve in this role for personal gain.

Ann Hay asked Councillor Emery, if a matter came to your attention would you not make sure that it was included on the agenda, did you not feel as a senior member that it was your responsibility. Councillor Emery stated that at the end of every meeting Terry Jordan reminds members to contact him about agenda items.

Ann Hay stated that Councillor Emery had said to put the request in writing. Councillor Emery stated that we ask for complaints in writing. Terry Jordan confirmed that if there is a complaint about the Council it needs to be in writing, if a member wants to add something to the agenda then technically it does not need to be in writing. Councillor Fielding was given this advice when he asked, and if there had been a formal request the issue would have been added to the agenda.

Ann Hay stated that this was not a complaint it was to add something to the agenda. Councillor Emery stated that Councillor Fielding had not asked for it to be added.

Councillor Sutton stated that he still feels that as senior members you knew of this issue since April or July and yet it still does not appear on your agenda, and you also say you did not know Mr Savage was living there. Councillor Jolley stated that it was set out like a residential dwelling, I did not know about the planning permission.

Councillor Fielding stated for clarification that the person who has moved in is not my friend and never has been.

Councillor Archer stated that at some point, be it April or July, Councillors Jolley and Emery were told of this issue but did not report it to the Parish Council, and did not share their knowledge of this. Councillor Jolley stated that Councillor Fielding is a Councillor too; he has the same chance that I would have to put it on the agenda. It was up to Councillor Fielding to put it on the agenda. Councillor Archer stated that he has many reports from residents to say that he is living there, but that he still did not know about the issue for months after Councillor's Jolley and Emery. Councillor Jolley confirmed that this issue had not been reported to him. Councillor Fielding had asked how to deal with a situation.

Councillor Archer asked for clarification that until recently the Parish Council did not have a formalised tendering process in place. Councillor Jolley confirmed that there was not a formalised policy but there was a process in place.

Councillor Archer stated that the tendering process had not always been as open and transparent as it is today. Councillor Jolley stated that would be saying that the clerk was not doing his job correctly, but that is not the case.

Councillor Fielding asked Councillor Emery if he had asked his wife to leave the room so that they could speak. Councillor Emery denied this and stated that this is a blatant lie. He stated that his wife is prepared to confirm this. He stated that from his memory of the evening, Councillor Fielding had arrived a little late, and that his wife had come out of the kitchen to ask if he wanted tea or coffee. He clarified that at no time did I go into the kitchen with you or ask my wife to leave, adding that Councillor Woodard's wife was also there and she was not asked to leave either.

Members took a 15 minutes refreshment break returning at 11.30 am.

Stephen Pearson stated that it is important that we clarify the confusion with the date. He asked Councillor Fielding for clarification. Councillor Fielding stated that it was at the Annual Assembly as there were hot drinks, this was in April. He added that he has a small shop, a focal point in the

village, people come to me there with issues in the village and I had a number of people come to me about the dwelling. I said that I would take it to the next Parish Council Meeting which was in April.

Stephen Pearson stated that Councillor Jolley and Councillor Emery have said that they did not know what Mr Savage had done and asked Councillor Fielding what he had said to them. Councillor Fielding stated that he had asked because he was new, he said he wanted to know what the procedure about a complaint was.

Stephen Pearson asked Councillor Fielding if he had said what the complaint was to Councillor Jolley and Emery. Councillor Fielding confirmed that he had told them what the complaint was.

Stephen Pearson asked Councillor Fielding if the reaction he got when he brought the issue up was that it needed to go on the agenda. Councillor Fielding stated that they had said 'don't bother about it'. He stated that Terry Jordan had said it should be reported to FDC, but that he believed it should go to the Parish Council first.

Stephen Pearson asked Councillor Fielding if he ever asked for it to be added to the agenda. Councillor Fielding confirmed that he had asked Councillor Jolley and Councillor Emery if it could be discussed.

Councillor Skoulding asked Councillor Fielding if he had asked the clerk to add the item to the agenda. Councillor Fielding stated that he had asked the clerk what to do and he suggested that I ask the Chairman.

Councillor Russell asked Councillor Archer when he was first aware of the issue. Councillor Archer confirmed that he was first made aware mid to late July.

Councillor Russell stated that he could not take it in that Councillor Archer was unaware that there was a building there until the middle of the year. Councillor Archer stated that Councillor Jolley overlooks Mr Savage's property and yet he says he did not know about the property. He added that he works abroad but the moment he knew about it he looked into it and reported it. He stated that there are lots of links between Councillors Jolley and Emery and Mr Savage and they admitted that they knew of the issue but did nothing about it.

Councillor Russell stated that he cannot see that Councillor Archer would not have known about a development in the village. Councillor Archer stated that Mr Savage's land has many yards and fields, lots can go on there with nobody knowing.

Councillor Mason asked Councillor Fielding if he has made notes of the complaints that were made to him. Councillor Fielding stated that he had no notes, but that random people from the village would come into the shop and mention it in passing. Councillor Archer stated that he also has people coming to him, but that he does not always make a note of their names.

Councillor Humphrey asked Councillor Fielding to describe his relationship with Mr Savage. Councillor Fielding stated that he has been intimidated and threatened by Mr Savage. Councillor Humphrey asked what their relationship was like prior to this complaint. Councillor Fielding confirmed that their relationship was never very good; he stated that he had a fruit barrow and that Mr Savage had a shop. Mr Savage's shop failed and he blamed the fruit barrow for affecting his shop's business.

Councillor Humphrey stated for clarification your relationship was not good. Councillor Fielding confirmed this; he stated that he had no grievance with Mr Savage, but that Mr Savage would make hand gestures to him.

Councillor Humphrey asked Councillor Fielding why he had allowed Councillor Archer to make the complaint. Councillor Fielding stated that he had been told not to say anything and when he mentioned it to Councillor Archer he said that this was not right.

Councillor Humphrey asked Councillor Archer why he did not advise Councillor Fielding to make a complaint. Councillor Archer stated that he had thought that Councillor Fielding was reporting it too, but felt it was his duty to report. When I discovered Councillor Fielding had chosen not to report, I thought I was taking it up as the district Councillor.

Councillor Humphrey asked why Councillor Fielding asked Councillor Emery and Councillor Jolley about putting an item on the agenda. Councillor Archer stated that he works abroad a lot and questioned why he would not ask the Chairman in this circumstance.

Councillor Archer stated that when he made the complaint, it was about an unlawful dwelling, not that someone was living there.

Councillor Yeulett asked Councillor Archer if there have been incidences at Parish Council meetings where there have been ad-hoc questions. Councillor Archer stated that there is a formal structure, but sometimes things are a little more informal.

Councillor Humphrey asked Councillor Archer how he would describe his working relationship with Councillors Jolley and Emery. Councillor Archer stated that they work together as members of the Council, but recently this has been a little frosty.

Councillor Skoulding asked Terry Jordan for clarification, did you say Councillor Fielding should go to the Chairman and ask his advice. Terry Jordan stated that he did not, Councillor Fielding was not specific about the development but I told him that the best approach is that the person who has witnessed the issue should report it to the District Council.

Ann Hay stated that Councillor Fielding says that he asked for it to be discussed and asked for clarification on this. Councillor Fielding stated that he had asked previously and was told to meet in the kitchen at 6.30, when we were in the kitchen I asked for it to be added to the agenda.

Ann Hay asked if Councillors Jolley and Emery had said to put the request in writing. Councillor Fielding stated that they had not.

Councillor Emery stated that Councillor Fielding was told that it needed to be put in writing and advised to speak to Terry Jordan as it cannot be discussed if it is not on the agenda.

Councillor Emery confirmed that he travels with the Vice Chairman to every Parish Council and at no time did she see me going into the kitchen. He stated that Councillor Fielding is saying these lies to discredit him and Councillor Jolley. Councillor Fielding stated that the Vice Chairman was not there, you were there with your wife and Councillor Jolley arrived.

Councillor Emery stated that his wife had said that Councillor Fielding arrived at about 6.55pm huffing and puffing. Councillor Fielding stated that is not true.

Councillor Jolley stated that Councillor Archer had made comment that his house overlooks Mr Savage's property, but confirmed that he cannot see anything. Councillor Archer stated that he has observed Councillor Jolley's Property from Mr Savage's land. Councillor Jolley confirmed that he can just see land, but nothing else.

Councillor Jolley stated that when we were approached by Councillor Fielding we told him the procedures and the clerk told him what he should do, he asked Councillor Fielding why he did nothing. Councillor Fielding stated that he came to ask as a new Councillor. Councillor Jolley

suggested that Councillor Fielding is playing on being the new Councillor.

Councillor Jolley asked Terry Jordan to confirm whether Councillor Fielding had asked him to put this item on the agenda. Terry Jordan confirmed that Councillor Fielding had asked what the procedure was and I informed him that ideally the person who observed the issue should report it, or that he could report it as a Parish Councillor if the issue had been reported to him.

Councillor Jolley asked Councillor Archer if he had ever reported him or Councillor Emery before. Councillor Archer confirmed that he had previously reported Councillor Emery.

Councillor Jolley stated that he thinks that there is too much hearsay here today, this is about petty squabbles and Councillor Fielding is not telling the whole truth, I believe he knew what was going on at that property.

Councillor Emery asked Councillor Fielding how long they had known each other. Councillor Fielding stated that he had lived in the village for 5 years and had known Councillor Emery for 2 years. Councillor Emery stated that since Councillor Fielding has been in the village he has been running a business from his property, but until March I did not realise that he was running it illegally. Councillor Fielding confirmed that there is planning permission for the garage.

Councillor Yeulett asked members to summarise their case.

Stephen Pearson stated that members have heard from everybody here today and there is clearly an issue with regards to the date. It is interesting that Councillor Jolley and Councillor Emery were not really aware of the planning breach; however it is clear that they did have some understanding of the issue. There is clearly some evidence of historical relationships and although it was some time ago there is history and therefore suspicion. Mr Jordan is correct when he says that the role of the Chairman is technically that he has no more authority than any other member, but to some degree the Chairman does have a position of seniority within the Council. He concluded that although he appreciates that there are some differences in what has been said he still holds to the conclusions that he reported.

Councillor Archer stated that he believes that the complaint was right as well as the complaint of the breach. Whatever was said Councillor Fielding was left feeling that he had been warned off. Councillors Jolley and Emery gained knowledge of the site and chose to do nothing about it, they also gave guidance to Councillor Fielding to do nothing.

Councillor Emery stated that he stands by every word he has said today, and reminded members that his statement has never changed throughout the investigation but there are inconsistencies in Councillor Fielding's account. He added that it still is unclear why Councillor Fielding has not brought this complaint forward himself. It is not in my character to behave in the way portrayed but if the accusation was true I would hold my hands up. I am honoured to hold my position within the Parish Council and ask that members today judge me on the truth.

Councillor Jolley stated that if he had known about this issue he would have reported it. Councillor Fielding was told on many occasions how to proceed, but he chose to do nothing. If I have done something wrong I will put my hand up to it, and I am not in the wrong here today, if I am found guilty today it is not correct as I am not guilty. Councillor Fielding has made some allegations here today that are not true.

Councillor Fielding stated that he is in the village and has people coming into the shop to ask questions, he take these forward to meetings when he can as he feels that this is his duty. He added that he has an issue with the way that Councillor Emery conducts the Parish meetings and feels that he takes liberties. He added that he has no grievance with Councillor Jolley but feels that together they corroborate together with things in the village.

Ann Hay stated that if there was an unauthorised dwelling and it was brought to the attention of Councillors Jolley and Emery, with 30 years experience I would have expected Councillor Emery to check that Councillor Fielding had followed the correct procedure, and that Councillor Jolley might have checked too. They let their positions down by not doing this. I do not agree with 8.5 as I believe that Councillor Jolley as a District Councillor and therefore closer to the planning process is also guilty of conducting himself in a manner which can be regarded as bringing your office or authority into disrepute.

Councillor Yeulett asked if members agree with Stephen Pearson's findings.

Councillor Skoulding stated that he does not believe that there is anything for Councillors Emery and Jolley to answer to.

Councillor Sutton stated that he feels that this is a difficult position to be in as he has known Councillor Emery since school and has a great deal of respect for the work that he does in the village. He added that he agrees with the independent investigators findings, but feels that both Councillors are guilty of 8.4 and 8.5.

Councillor Russell stated that he wishes that none of this was happening as he feels that fellow Councillors should be pulling together. He added that he feels that Councillor Archer is as much to blame as Councillors Jolley and Emery as he also says he did not know what was going on in the village. For this reason I do not agree with Stephen Pearson's findings.

Councillor Mason stated that he feels there is a lack of evidence in this whole investigation. He informed members that he does not know Councillors Jolley or Emery so will speak as he finds. There are comments from the clerk that say this issue was brought to the Councillors attention and that he gave the correct advice. Morally maybe those Councillors could have gone a step further, but I cannot help but feel that the onus was on Councillor Fielding to put the request in writing to ensure that the matter was on the agenda for discussion, therefore I do not agree with the findings.

Councillor Humphrey stated that he is concerned that the complaint was made by Councillor Archer and not by Councillor Fielding as well as several disputing issues and some relationship issues. He added that we have heard from the Vice Chairman and the Clerk, and this feels a little like we are 'using a sledgehammer to crack a nut' and that this case is mainly driven by a disagreement. I do not support the findings and suggest that no further action is taken. There is a concern that new Parish Councillors have to learn the hard way and perhaps therefore should be mentored in some way.

Councillor Yeulett stated that when something happens in a small village, everyone knows about it. I feel that relationships are fractious and have clouded this issue moving forward. I agree with points made by Ann Hay, it is incumbent for members to act when they have information. I support the independent investigators report.

Councillor Humphrey proposed that no further action be taken.
Councillor Skoulding seconded the proposal.

The vote was split, 2 members voted in favour and 2 members voted against.

Alan Pain, for clarification reminded members that only Councillors have a voting right, but they must be mindful of the comments made by the independent person and also the other members, and that there is also the option of using the Chairman's casting vote.

Councillor Skoulding stated that members should also be mindful of the clerk's comments.

Councillor Sutton stated that one of the reasons that Councillor Jolley did not want me on the committee today is that he knows that I believe that issues have been covered up in the past.

Councillor Russell stated that we all have pasts as Councillors, but we are not here for that today.

Councillor Mason stated that in his opinion the facts have not been corroborated here today.

Councillor Yeulett stated that we have a strong steer from non-voting members here today.

Alan Pain stated that if the committee are genuinely split we can rule that the Committee failed to reach a conclusion, and therefore cannot mandate any further action. The Committee can also go with the casting vote or defer to another meeting.

Councillor Yeulett stated that we do appoint non-voting members but have to take their opinions into account.

Councillor Humphrey stated that he would prefer for a decision to be made today.

Fred agreed that it is preferable for an outcome to have been made today and with this in mind used his casting vote.

Members agreed that a Formal Letter of Reprimand be sent to the Parish Council, Terry Jordan - Manea Parish Council Clerk agreed that this would be placed on the agenda for discussion at the next Parish Council meeting.

12.40pm

Chairman