

**Telford & Wrekin**  
C O U N C I L

## **DECISION NOTICE: REFERRAL FOR OTHER ACTION**

**Reference 2009/1**

### **Complaint**

On the 27 January 2009 a written complaint was received from a resident from Cold Hatton within the Parish of Waters Upton concerning the alleged conduct of Councillor Lynda Baker-Oliver, a Councillor from Waters Upton Parish Council.

A summary of the complaint is set out below.

The complaint relates to the actions of Waters Upton Parish Council in relation to work and development undertaken at the complainant's property at Cold Hatton. The complainant has provided a substantial amount of information with regard to his renovation project at the property.

The complainant alleges that Councillor Baker-Oliver has abused her power in her role as Chairman of the Parish Council to victimise and undermine his good intentions in undertaking the renovation project. In support of his allegation the complainant has provided details of the renovation project. He has also provided a copy of a letter sent by Lynda Baker-Oliver to the Planning Inspectorate [REDACTED] with regards to the planning application at his property. The complainant also provided a copy of a letter from Waters Upton Parish Council signed by the Clerk to the Parish Council [REDACTED] similarly setting out an objection to the same planning application for his property.

### **Decision**

When undertaking the assessment of the complaint the referrals sub-committee considered, in detail, the following information:-

The written complaint and all of the attached documentation

A further email from the complainant to the Monitoring Officer dated 13<sup>th</sup> February 2009.

Information requested by the Monitoring Officer from the Clerk to Waters Upton Parish Council namely confirmation of Councillor Baker-Oliver's acceptance of office, register of interest forms, the Code of Conduct as adopted by Waters Upton Parish Council, minutes of meetings of Waters Upton Parish Council where the complainants property was included as an agenda item [REDACTED] and extracts from the Waters Upton Parish Council register of interests book.

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the referrals sub-committee of the standards committee decided to refer the allegation to the monitoring officer for the Monitoring Officer to undertake the following :-

- Invite Councillor Lynda Baker-Oliver to undertake Code of Conduct training to be arranged by the Monitoring Officer
- Invite all members of the Waters Upton Parish Council to attend Code of Conduct training and for this invitation to be made by way of a request to the Parish Clerk.

The referrals sub-committee have reached this decision for the following reasons.

The sub-committee note that declarations of interests at Parish Council meetings appear to have been made but that good practice regarding the procedure for decision-making concerning declarations of interest does not appear to be followed.

The referrals sub-committee therefore decided that the action set out is appropriate because –

- The conduct complained of is a symptom of wider underlying conflicts, which, if unresolved, are likely to lead to further misconduct or allegations of misconduct
- The conduct complained of is apparently common to a number of members of that Parish Council, demonstrating a lack of awareness of recognition of the particular provisions of the Code of Conduct
- The conduct complained of is not so serious that it requires a substantive formal sanction such as suspension or disqualification
- The complaint reveals a lack of guidance, protocols and procedures within the authority, for example on the process of decision-making

#### **Potential breaches of the Code of Conduct identified**

We have identified below the paragraph of the Code of Conduct which may apply to the alleged conduct.

- having a prejudicial interest and failing to act appropriately

This decision notice is sent to the person or persons making the allegation, the member against whom the allegation was made and the Clerk to Waters Upton Parish Council.

#### What happens now?

- The Monitoring Officer will write to Councillor Baker-Oliver to make arrangements for the Code of Conduct training to be provided
- The Monitoring Officer will write to the Clerk to Waters Upton Parish Council to make arrangements for the Code of Conduct training to be provided

#### Terms of reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of authority members and the requirements for dealing with this.


The regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committee) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

#### Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

We can also help if English is not your first language.

If you require any assistance please contact us on 01952 383255

Signed .....  ..... Date 4TH MARCH 2009  
Mr. F. Beasland - Chair of the referrals sub-committee

