

Meeting of the standards panel

Wednesday 6 November 2013; Room 14a, Brockington.

This was a continuation of the adjourned panel meeting on 10 September 2013.

Complaints

13001: Councillor Glenda Vaughan-Powell; complainant: Councillor Phil Edwards

13016: Councillor Glenda Vaughan-Powell; complainant: Councillor Adrian Bridges

13017: Councillor Glenda Vaughan-Powell; complainant: Mrs Elizabeth Kelso

Present:

The standards panel:

Rob Cook, Appointed Independent Person (chairman)
Nicky Carless (Town & Parish Council representative)

Legal advisor:

John Jones, Monitoring Officer

Clerk:

Hazel Lavelle, Democratic Services Support Officer

Subject member:

Councillor Glenda Vaughan-Powell

Complainants:

Not present

Also present:

Mrs Jones, accompanying Councillor Vaughan-Powell as a personal friend.

Proceedings

1. The chairman introduced all those present and outlined the structure of the meeting.
2. The monitoring officer explained that this meeting was a continuation of the meeting on 10 September, which had been adjourned because the subject member, Councillor Vaughan-Powell, had been unable to attend. At the meeting on 10 September, the complainants had been given the opportunity to explain the reasons for their complaints, and to explain in more detail any evidence they had provided to support their allegations. Similarly, at today's meeting, Councillor Vaughan-Powell would be given the opportunity to respond to each complaint, and to explain in more detail any evidence she had provided to support her position.
3. The chairman explained that the panel would consider each complaint in turn, and ask Councillor Vaughan-Powell to respond to the allegations.
4. Complaint 13001 (Councillor Phil Edwards)

The complainant alleged that:

- Councillor Vaughan-Powell had publicly claimed credit for improvements made to the Belmont Haywood Country Park when she had actually opposed the improvements. He

felt that he had a public duty to expose what he considered to be untruths. Councillor Vaughan-Powell's response was that she had not opposed the improvements and that, while her newsletter had referred to the progress made at the country park, it did not claim credit for herself as having achieved it. The newsletter was provided as evidence to support her statement.

- Confidential information had been leaked relating to the development of the Newton Farm Oval area, which had jeopardised the project. Councillor Edwards alleged that Councillor Vaughan-Powell had leaked this information. Councillor Vaughan-Powell stated that she had attended an open meeting at the Three Counties Hotel, at which residents had expressed concern that not all of them would be able to move back to the Oval area, because only 125 properties were to be made available for Herefordshire Housing tenants. Councillor Vaughan-Powell explained that the information was public knowledge, and that she had not divulged any information that was not in the public domain.
- Councillor Vaughan-Powell had published a newsletter in which she had stated that the other ward members for Belmont [*ie: Councillors Edwards and Bridges*], had told residents that she was no longer their councillor when, in fact, the minutes of the parish council meeting had made it clear that Councillor Vaughan-Powell continued to be a ward councillor following her resignation from the parish council. Councillor Edwards felt that this was intended to deceive residents. Councillor Vaughan-Powell responded that she had been approached by a number of residents who were under the impression, as result of a newsletter from the parish, that Councillor Vaughan-Powell was no longer their councillor. Councillor Vaughan-Powell stated that she had not been aware of the newsletter, but felt compelled, as a result of the approaches made to her, to publish a statement in her own newsletter clarifying the position.

5. The panel considered each part of Councillor Edwards's complaint in turn.

- In considering the first point, the panel had regard to the wording of the article in Councillor Vaughan-Powell's newsletter. While they recognised that the wording was capable of being interpreted as claiming credit for the achievements, it did not do so overtly and was open to other interpretations. There was no evidence that Councillor Vaughan-Powell had opposed the development and the panel considered that, if Councillor Vaughan-Powell had objected to particular details of the development during the discussions, this would have been part of the normal activities of her role as a councillor. The panel had regard to the following section of the code of conduct:

Part IV: General Principles of Conduct

Part V: Expectations of Conduct, paragraph 10:

The panel felt that Councillor Vaughan-Powell did not deliberately attempt to claim personal credit by emphasising the achievement at the country park, and that her action had not brought the authority, or its members or officers generally, into disrepute.

Part VI: Rules of Conduct, paragraph 11:(a):

The panel did not consider that Councillor Vaughan-Powell had failed to treat others with respect and courtesy in publishing her newsletter;

Part VI: Rules of Conduct, paragraph 11:(j):

The panel did not consider that in publishing the item in her newsletter, Councillor Vaughan-Powell could reasonably be regarded as bringing her office or authority into disrepute.

The panel considered, therefore, that there had been no breach of the code of conduct.

- In considering the second point, the panel noted that the discussions in question had taken place at a public meeting, and accepted Councillor Vaughan-Powell's statement that she had reiterated only what residents of the Oval had told her, and had sought to represent their concerns. In considering this allegation, the panel had regard to the following sections of the code of conduct:

Part IV: General Principles of Conduct

Part V: Expectations of Conduct, paragraph 10:

The panel considered that Councillor-Vaughan Powell had been acting in the interests of her constituents, and had not undertaken any action which would bring the authority, or its members or officers generally, into disrepute.

Part VI: Rules of Conduct, paragraph 11(h):

The panel considered that there was no evidence to support the allegation that Councillor Vaughan-Powell had disclosed information given to her in confidence, or which she believed, or ought reasonably to have been aware, was of a confidential nature.

The panel decided, therefore, that there had been no breach of the code of conduct in respect of this allegation.

- In considering the third point, the panel felt that an ordinary member of the public might well be confused between parish, district and ward councillors, and considered that a possible misunderstanding of those roles had prompted residents to approach Councillor Vaughan-Powell. In considering the allegation, the panel had regard to the following sections of the code of conduct:

Part IV: General Principles of Conduct

Part V: Expectations of Conduct, paragraph 10:

Although Councillor Vaughan-Powell's newsletter made reference to the other ward members, the panel felt that this arose from a lack of communication and co-operation between the members of the parish council and Councillor Vaughan-Powell. Whilst this was regrettable, the panel did not consider that it amounted to a breach of the code of conduct.

Part VI: Rules of Conduct, paragraph 11(a):

The panel felt that Councillor Vaughan-Powell's newsletter item arose from a serious lack of co-operation and communication between all the members, rather than any failure on Councillor Vaughan-Powell's part to treat others with respect and courtesy.

Part VI: Rules of Conduct, paragraph 11(j):

The panel did not feel that Councillor Vaughan-Powell's newsletter article could reasonably be regarded as having brought her office or authority into disrepute.

6. The panel then considered the complaint made by Councillor Bridges. Councillor Bridges alleged that Councillor Vaughan-Powell had published details on the 'Belmont Voice' website of improvements made to a play area, and claiming credit for achieving the improvements. Councillor Bridges had posted a response on the website asking Councillor Vaughan-Powell why she had failed to inform the parish council of her activities in relation to the play area. In

response, Councillor Vaughan-Powell had stated that the parish council had been approached by residents but had appeared not to have responded to requests for improvements to be made and referred to an injury to a child resulting from the poor condition of the play area. Councillor Bridges stated that there was no evidence of any such injury occurring, and that the parish council minutes would show that the parish council had been actively pursuing improvements to the play area over a considerable time. Councillor Vaughan-Powell stated that she had been approached by both a resident and the local MP (who had been approached by the same resident), asking her to take action with regard to the play area. Councillor Vaughan-Powell accepted, in retrospect, that the parish council had been taking action, but she had not been aware of it. In considering the allegation, the panel had regard to the following sections of the code of conduct:

Part IV: General Principles of Conduct

Part V: Expectations of Conduct, paragraph 10:

The panel recognised that Councillor Bridges felt aggrieved, on behalf of the parish council, because their efforts in relation to the play area had not been acknowledged. The panel also recognised that no evidence had been provided to support the statement that a child had been injured on the play area. However, the panel did not feel that Councillor Vaughan-Powell's website post was such that it could have brought the authority or its members into disrepute.

Part VI: Rules of Conduct, paragraph 11(a):

The panel felt that this complaint had arisen from the regrettable lack of communication and co-operation between the members of the parish council and Councillor Vaughan-Powell. The panel recognised the risks involved with the use of social media and instant messaging, and the need for all users to exercise discretion. However, they did not feel that Councillor Vaughan-Powell's actions demonstrated a failure to treat others with respect and courtesy.

Part VI: Rules of Conduct, paragraph (j):

The panel did not feel that Councillor Vaughan-Powell's failure to acknowledge the efforts of the parish council, or her statements regarding an injury to a child could reasonably be regarded as having brought her office or authority into disrepute.

7. The panel finally considered the complaint made by Elizabeth Kelso, the Belmont Rural Parish Clerk. Mrs Kelso's complaint also related to the publication on the Belmont Voice website of statements that the parish council had failed to respond to requests from residents to improve the play area and that a child had been injured as a result of that failure. Mrs Kelso felt that this had been a deliberate attempt to bring the parish council into disrepute based on resentment following Cllr Vaughan-Powell's failure to be re-elected to the parish council. Mrs Kelso wished to see a public apology acknowledging that the statements about the parish council had been untrue. In considering the allegation, the panel had regard to the following sections of the code of conduct:

Part IV: General Principles of Conduct

Part V: Expectations of Conduct, paragraph 10:

The panel recognised that Mrs Kelso, as parish clerk, felt aggrieved that the efforts of the parish council in relation to the play area had not been acknowledged. The panel also recognised that no evidence had been provided to support the statement that a child had been injured as a result of a failure to improve the play area. However, the panel did not feel that Councillor Vaughan-Powell's website post was such that it could have brought the authority or its members into disrepute.

Part VI: Rules of Conduct, paragraph 11(a):

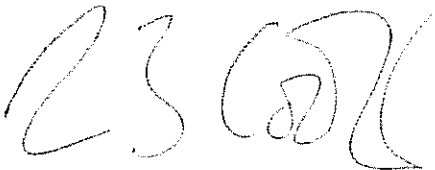
The panel felt that this complaint had arisen from the regrettable lack of communication and co-operation between the members of the parish council and Councillor Vaughan-Powell. The panel recognised the risks involved with the use of social media and instant messaging, and the need for all users to exercise discretion. However, they did not feel that Councillor Vaughan-Powell's actions demonstrated a failure to treat others with respect and courtesy.

Part VI: Rules of Conduct, paragraph (i):

The panel did not feel that Councillor Vaughan-Powell's failure to acknowledge the efforts of the parish council, or her statements regarding an injury to a child could reasonably be regarded as having brought her office or authority into disrepute.

Conclusion

8. The panel accepted that, although the allegations drew attention to a serious breakdown in communication and co-operation between the members of the parish council and Councillor Vaughan-Powell, and the risks involved in the use of social media, it could not be demonstrated, in relation to any of the allegations, that Councillor Vaughan-Powell had breached the members' code of conduct.
9. The panel also had regard to Councillor Vaughan-Powell's written apology, dated 4 September 2013 in which she had stated that she had never intended to cause embarrassment to members of Belmont Rural Parish Council, and had apologised to anyone who had been offended or upset by any written or verbal comment she had made. Councillor Vaughan-Powell confirmed that her apology had been intended to extend to all three complainants, and that it related to all the issues raised in the complaints.



Rob Cook
Independent Person
Chairman of the standards panel

13 NOV 2013

