

**DECISION NOTICE
CLLR. ALAN LONG
BARTESTREE WITH LUGWARDINE PARISH COUNCIL**

Complaint Numbers: COC024B and COC027B

DECISION

That Cllr. Long **DID** breach the following parts of Bartestree with Lugwardine Parish Council's Code of Conduct –

- 1.1 *I treat others with respect.*
- 5.1 *I do not bring my role or local authority into disrepute and paragraph*

1. COMPLAINTS

1.1 The Council received 19 complaints in respect of Bartestree with Lugwardine Parish Council, 2 of which related to Cllr. Long and had numerous complainants. A summary of the complaints relating to Cllr. Long are set out below:-

COC024B - Complaint against Cllr. Long that he failed to declare an interest at the meeting in February 2023.

COC027B – Complaint that Cllr. Long distributed a disrespectful leaflet to residents in Bartestree with Lugwardine Parish.

2. POTENTIAL BREACHES OF THE CODE

2.1 The Complainants consider that Cllr. Long has breached the following parts of the Councillor Code of Conduct for Bartestree with Lugwardine Parish Council in respect of the distribution of the leaflet:-

1.1 I treat other councillors and members of the public with respect.

5.1 I do not bring my role or local authority into disrepute.

And as a general principle '**I impartially exercise my responsibilities in the interests of the local community**'.

2.2 The Complainants consider that Cllr. Long breached the following parts of the Councillor Code of Conduct for Bartestree with Lugwardine Parish Council in respect of his involvement with the Community Events Team :-

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

**7.2 I will, when using the resources of the local or authorising their use by others:
(a) act in accordance with the local authority's requirements.**

9.1 I register and disclose my interests.

3. PROCEDURE USED BY THE INVESTIGATING OFFICER

3.1 An Investigator was appointed by the Monitoring Officer, and a report was produced for the Monitoring Officer which encompassed all complaints at Bartestree with Lugwardine Parish Council. The following evidence was relied on in respect of these complaints:-

- a) **Complaints**
- b) **Village Voices magazine**
- c) **Leaflet**
- d) **Minutes of the Meeting of 14 February 2023 and March 2023. A number of those minutes were later withdrawn from the Parish Council's website**
- e) **Doorbell photograph showing leaflet being delivered by Cllr. Long**
- f) **Response from Cllr. Long**
- g) **Statement from Cllr. Lin Hoppe**

3.2 There is a limited amount of investigation that can be carried out in a Code of Conduct matter, and this does not extend to attending Parish Council meetings or speaking with all councillors as part of a 'fishing' exercise. Ultimately it is for Parish Council to run itself with integrity and respect for each other and residents, and the full report and my recommendations are provided to the Parish Council in order for them to consider whether to implement them.

3.3 The Investigating Officer struggled to find information to support her investigation; the Minutes from March – July 2023 are not available on the Parish Council website (draft minutes for July are now published). If Minutes are inconvenient or do not reflect some Councillors views, then this is not a reason for them not to be published

3.4 The Parish Council has a legal duty to publish their minutes, and that it is also a breach of the Code of Conduct to prevent others obtaining information to which they are legally entitled. Whilst the proceedings of a Parish Council are not the responsibility of Herefordshire Council, nonetheless preventing residents from accessing information to

which they are entitled by law e.g. Minutes of meetings, is a breach of the Code of Conduct and this does fall under the remit of the Monitoring Officer.

INVESTIGATING OFFICER'S FINDINGS

4. Complaint COC024B

4.1 The Parish Council has control of two areas of land; the Playing Field which it leases to the Playing Fields Association (PFA) under a long term lease, and the Community Field which is adjacent to it, but separated by a track. The Community Field was gifted to the Parish Council as part of a S106 Agreement, and contains provisions for its future use, which are set out as:- 'use by all community sports groups and recreational uses by the general public'.

4.2 At its meeting on 10 January 2023, the Parish Council was considering whether to approve the use of the Community Field for a Fete, an event organised by the Community Events Team of which Cllr. Long was one of the members. He declared an interest in the matter, along with two other councillors who are also on the Community Events Team.

4.3 At its meeting on 14 February 2023, the same three councillors did not declare an interest during the item on the future of the Community Field. The two Parish Councillors who were members of the Playing Fields Association did declare an interest and left the room.

4.4 Cllr. Hoppe advised me that the Community Events Group have only put on one previous event at the Community Field. They did want to hold a fete this year, and all members of the Community Events Group declared an interest and left the room when this was considered at the January meeting as finances were involved. I am unable to see any mention of finances in the minutes.

4.5 At the February meeting, the Council was more generally considering the future of the Community Field. Cllr. Hoppe has advised me that the matter under consideration was about the future of the Community Field more generally, and the Community Events Team could put events on in other locations in the village, albeit that they were not as convenient. I have accepted this evidence from Cllr. Hoppe.

4.6 The Complainants say that Councillors had already received advice from the Monitoring Officer with regard to declaring an interest in this matter and that they should have followed it. I am unable to find any such advice. However I have been provided with a copy of advice given by Herefordshire Association of Local Councils dated 8th August 2022. This advises that 'Members of the Parish Council who also serve on a charitable organisation which has an interest in the future of the field may well need to consider declaring an interest and leaving the room during Parish Council discussions'.

4.7 I agree with the HALC advice, but I do not consider that it extends to membership of the Community Events Group. Being a member of the Playing Fields Association which

is seeking to manage the land is different from being a member of the Community Events Group which is holding approximately one event per year and which has other sites it could use.

I find that Cllr. Long DID NOT breach 9.1 of the Council's Code of Conduct – 'I register and declare my interests'

5. Complaint COC027B

5.1 The Council also received complaints from six councillors that Cllr. Alan Long was seen delivering the leaflet which trailed Village Voices, and a doorbell camera photo showing this was produced to me. The complaint is that Cllr. Long, in delivering the leaflet in respect of the Community Field, had already made up his mind about the use of it. I have asked Cllr. Long on three separate occasions whether he delivered the leaflet but although he has responded to me, he has failed to address that question. I therefore conclude that, on the balance of probabilities, he was responsible for delivering the leaflet.

5.2 I consider that the leaflet which trailed 'Village Voices' was disrespectful. The leaflet says *'the majority of the parish council were not voted in, just co-opted'*, which implies that co-optees are not as valuable as the rest of the parish councillors. Co-option is very widely used at parish level, and co-optees perform a valuable service and have the same rights and responsibilities as those who are elected.

5.3 The leaflet also uses inflammatory language such as 'stealing' the Community Field and Councillors 'making the wrong decisions', which I consider a reasonable person would think is bringing their role and the Council into disrepute. A councillor's behaviour in office will bring their **role** into disrepute if the conduct could reasonably be regarded as either:

- (a) reducing the public's confidence in them being able to fulfil their role; or
- (b) adversely affecting the reputation of the councillors, in being able to fulfil their role.

Conduct by a councillor which could reasonably be regarded as reducing public confidence in their parish council being able to fulfil its functions and duties will bring **the authority** into disrepute.

5.4 I believe that saying the Parish Council are making the 'wrong decisions' and that some councillors were 'just co-opted', both reduced public confidence and adversely affected the reputation of councillors, and also reduced public confidence in the Parish Council being able to fulfil its functions and duties.

5.5 I consider that the leaflet was disrespectful, and Cllr. Long should have considered this before distributing the leaflets. He should also have considered whether members of the public would think he had made his mind up, as he was distributing a leaflet which is encouraging residents to attend a meeting or contact the Parish Council to tell them they do not support the use of the Community Field for football pitches. The leaflet also

contained inflammatory and inappropriate language that would cause a reasonable member of the public to lose confidence in the Parish Council and its councillors.

5.6 I have considered whether a reasonable person would consider that Cllr. Long was acting in his capacity as a councillor when delivering the leaflet and I conclude that they would. This is because the leaflet is encouraging people to attend a parish council meeting.

I find this to be a BREACH of the following paragraphs of the Code of Conduct:

1.1 I treat others with respect

5.1 I do not bring my role or local authority into disrepute

6. DECISION OF THE MONITORING OFFICER

6.1 I have considered the Report of the Investigating Officer and I agree with its findings. In accordance with S28(7) Localism Act 2011 I have sought and taken into account the views of two Independent Persons appointed by Herefordshire Council for the purposes of the Act. The Independent Persons agree that Cllr. Long has breached parts 1.1 and 5.1 of the Bartestree with Lugwardine Parish Council Code of Conduct.

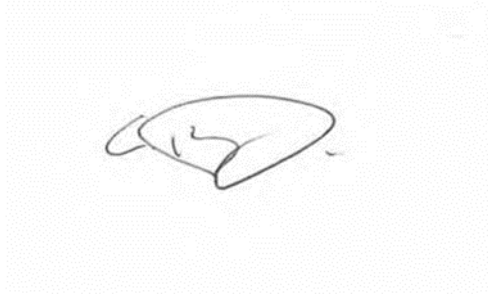
6.2 In view of the public interest in this matter, and the large number of complaints, a full copy of the report has been provided to complainants and parish councillors.

6.3 In addition to the recommendations contained in the Decision Notice into complaints **CoC024A, B & C, CoC029, CoC030, CoC032, CoC033 CoC034 and CoC039A**, I recommend that the Parish Council take the following action:-

- (1) That Cllr. Long should be asked to apologise to the Parish Council for his involvement in delivering the disrespectful leaflet.

The Parish Council are directed to consider the report and my recommendations and to advise me whether or not they are adopting them, and if so, whether they receive an apology from Cllr. Long.

6.4 There is no right of appeal against this decision notice.



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Monitoring Officer

Dated: 25/10/2023