

**DECISION NOTICE  
CLLR. WARGENT  
BARTESTREE WITH LUGWARDINE PARISH COUNCIL**

**Complaint Number: COC039B**

## **DECISION**

No further action will be taken in respect of this complaint, as the wider issues are covered by the Report into conduct at Bartestree with Lugwardine Parish Council.

### **1. COMPLAINTS**

The Monitoring Officer received 19 complaints in respect of Bartestree with Lugwardine Parish Council, 1 of which related to Cllr. Wargent. A summary of the complaint is set out below.

### **2. POTENTIAL BREACHES OF THE CODE**

2.1 The Complainant considers that Cllr. Wargent breached the following parts of the Councillor Code of Conduct for Bartestree with Lugwardine Parish Council in respect of her behaviour at the Parish Council meeting of June 2023 :-

- 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.**

### **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 complaint:-

- a) **Complaint**
- b) **Comments from Cllrs. Hoppe, Wargent & Green**

## 4. INVESTIGATING OFFICER'S FINDINGS

4.1 The Complainant says that at a Parish Council meeting in March 2023, an allegation was made about him and his company removing a hedge adjacent to his site. He says Cllr. Hoppe insisted the matter was reported directly to planning enforcement as it constituted an offence - however this matter would have been voted on by all Parish Councillors and was not a decision made by the Chair alone. The Council enforcement officer attended the site and agreed that the hedge was not on the complainants land.

4.2 The Complainant attended the Parish Council meeting in May 2023 and asked that the Parish Council acknowledge that they had made a mistake and provide a minuted apology and also minute his statement.

4.3 At the June meeting, the complainant says that the minutes from May stated '*A local resident queried a statement in the draft minutes of the previous meeting, concerning the removal of a hedge, which he believed was inaccurate. It was clarified that those minutes would be discussed at the next parish council meeting.*'

4.4 At the following meeting (June 2023), the Complainant again repeated his statement and he says the meeting 'descended into chaos' and was adjourned by the Cllr. Hoppe who was the Chair of the meeting. He alleges that Cllr. Wargent and Cllr. Green shouted at him.

4.5 Cllr. Hoppe says that all councillors (bar one) agreed to report the alleged planning enforcement and that the developer is not named in the minutes. I find this to be acceptable behaviour and within the remit of a Parish Council. However I am unable to verify what the minutes say, as they are not on the website and despite my requesting them I have not been provided with a copy. I find it to be unacceptable that the Parish Council do not agree and publish their minutes, as this is a statutory requirement and I would remind all Councillors, and the Clerk, that the Code of Conduct also sets out at para 4.3:-

**I do not prevent anyone from getting information that they are entitled to by law.**

4.6 Cllr. Wargent says that the exchange that the Complainant refers to was carried out during the adjourned part of the meeting and that this was a 'public forum and the rules of freedom of speech apply'. This is **not** correct - the Code of Conduct applies when you are acting as a councillor, or when a reasonable person with knowledge of all the facts would think that you were acting as a councillor. In my opinion, during an adjournment of a Council meeting, a member of the public would think that councillors were still acting in their role.

4.7 Without sight of the minutes and interviewing all those present, it is impossible for me to reach a conclusion and I do not consider it to be a good use of public funds to undertake an investigation into this matter. The Complainant is looking for an apology. If

he is named in the minutes of the March meeting then I recommend that the Parish Council apologise for their error and record a clarification in their minutes.

4.8 As with other complaints, this appears to be down to poor chairing of the Council meetings, a lack of trust between residents and some councillors, and a perception of unfairness due to past issues within the Parish. I feel that the recommendation that Parish Council meetings be recorded would ensure that issues arising at meetings would be open and transparent for the future.

## 5. DECISION OF THE MONITORING OFFICER

5.1 I have considered the Report of the Investigating Officer and I agree with its findings. I have decided that no further action should be taken in respect of this complaint, for the reasons set out in 4.7 above.

5.2 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 no further action should be taken in respect of this matter.

5.3 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.

5.4 In addition to the recommendations contained in the Decision Notice into complaints **CoC024A, B & C, CoC029, CoC030, CoC032, CoC033 CoC034 and CoC039A**, I also recommend that if the complainant in CoC039 is named in the minutes of the March meeting, that the Parish Council apologise for their error and record a clarification in their Minutes.

5.5 There is no right of appeal against this Decision Notice.



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Monitoring Officer

Dated:

25/10/2023