

:
Name Mary Severin
Monitoring Officer
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24th February 2020

COMPLAINT DECISION NOTICE

COMPLAINT REFERENCE: COUNCILLOR VALERIE PIKE
DECISION: BREACH OF THE CODE OF CONDUCT in respect of paragraph x)
NO BREACH OF THE CODE OF CONDUCT in respect of paras. v), vi) and viii)

Power to determine the Complaint

The Code of Conduct complaint against Cllr. Pike has been determined under Part 7A of the Royal Borough of Windsor and Maidenhead's Constitution. Appendix 4 deals with the Members' Code of Conduct complaints process.

I assessed the complaint under paragraph 3 of Appendix 4, and considered that the criteria stated in that paragraph was met with regard to accepting the complaint. Under paragraphs 4 and 5 of Appendix 4, I consulted the views of Cllr. Samantha Rayner, Chairman of the Employment and Members Standards Panel, and Mr. David Comben, one of the Royal Borough's Independent Persons.

The Complaint

This complaint was brought by Cllr. Yvonne Jacklin, Chairman of the Parish Council's Operations Committee. The circumstances of the complaint were as follows. Cllr Pike was a Member of the Council's Finance Committee. At their meeting of 4th June 2019, she participated in the discussion and voted to approve the Council's Annual Governance and Accountability Return ("AGAR") and did not seek clarification, nor raise any objections on what was proposed, despite being asked if she had any questions. Other Financial Regulations of the Council were also reviewed and decided upon, again without objection or questions from Cllr Pike. She also took part in a Council meeting on 11th June 2019 approving the AGAR statements. The complaint also stated that Cllr. Pike had failed to declare that she is a member of Borough First, and is Chairman of Neighbourhood Watch.

Evidence was provided that, at around the same time, Cllr Pike helped a member of the public ("MC") to complain and challenge decisions made by the Council. In August 2019, she approached the Council's auditors without the knowledge of the Council asking for details of actions required for objecting to the AGAR. She fed this information back to MC to enable him to object the AGAR statement. She also, without telling the Council, made enquiries of other Parish Councils about their own finances so that she could help MC raise objections based on benchmarking. At no point did Cllr Pike approach the Council's Chairman, Vice Chairman, or the Chairman of the Finance Committee to voice her concerns about the Council's finances. The complaint states that she has never declared to the Council that she was helping a member of the public make enquiries, complain and object to their decisions, nor has she excused herself from her position as a Finance Committee Member to enable her to continue helping him without conflict.

Duncan Sharkey - Managing Director

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The complaint also alleged that Cllr Pike is a member of a private group, Sunningdale Residents Association which, in looking at local issues, includes monitoring decision making at the Council.

Finally, in August 2019 Cllr. Pike posted a question on a public website 'Towncouncillor.com', (a forum in which questions and answer are provided to Councillors and members of the public) in which she said erroneous information was provided to them by the clerk to the Council, further criticising her and also the Chairman and Vice Chairman. She also made reference to the Clerk's salary. (post is shown in full in the Appendix)ⁱ

These actions were regarded as a breach of integrity owed to the Council as a whole, as well as to the clerk to the Council.

Cllr. Pike's response

Cllr Pike's response was that, at the time of the Finance Committee meeting of 4th June, she was not helping MC, either personally or via a residents group. She did not therefore have a conflict of interest at the time of that meeting. She did however help him after that meeting. She believes however that her function as a Parish Councillor is to help parishioners and not to act for the benefit of the body that is the Parish Council. Helping a parishioner is, she said, her prime reason for being a Parish Councillor. The Parish Council should, she said, always be open to reasonable challenges by their parishioners. She does not understand why the complaint takes issue with her making her own enquiries to gain a better understanding of the Council's finances. She also stated that she was unclear as to why she was viewed as criticising the clerk from her post on TownCouncillor.com. She felt that misleading or misdirected information was not in the public interest and she had no option but to engage the services of an open and public forum. She denied being a member of a Sunningdale Residents Association.

The complaint alleged that Cllr Pike had breached the following paragraphs of the Parish Council's Code of Conduct:

v) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

vi) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the Appendices below.

viii) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

x) Councillors must not behave in such a way that a reasonable person would regard as disrespectful to others. You should encourage and foster respect in others.

Analysis

This complaint was mainly about an alleged lack of integrity on Cllr Pike's part, helping a member of the public seek information, complain and object about decisions made by the Parish Council, with a corresponding lack of honesty about not telling them about her

actions. One would hope that Councillors would work together for the good of the community as a whole, as a cohesive team, with the corresponding requirement of good communication between them with regard to any concerns they may have. However, there is no rule, exactly, which deals with this problem. The paragraph which deals with openness, para v), is concerned with open decision making in Council business, rather than being open and honest about certain behaviour which conflicts with the Council. I cannot therefore find that Cllr Pike was in breach of para. v) of the Code of Conduct for not telling her colleagues of her actions in helping MC.

Para. vi) of the Code of conduct deals with a failure to declare a conflict of interest at meetings, as well as in the Members interest form. There was no evidence that Cllr Pike was helping MC at the time of the Finance meeting on 4th June; if there was such evidence, there would have been a clear conflict of interest. Cllr Pike did fail to declare her membership of a political party, Borough First, as well as her Chairmanship of Neighbourhood Watch in a timely matter, as required by the Code of Conduct under the heading 'Personal Interest' paras. ii. (fourth bullet point) and iii). However, she told me about it in December 2019 and I do not consider the lateness of her doing so as being significant enough to find her in breach of para vi) of the Code of Conduct. She has also informed the clerk of those interests so that they can be added to the web version of her interests form.

Para. viii) of the Code of Conduct, which deals with promoting and supporting high standards of conduct when serving in a public post, applies to Councillors conducting council business. Cllr. Pike's behaviour helping a member of the public complain and make detailed enquiries about the Parish Council was not 'serving in a public post', therefore I do not find Cllr Pike in breach of this paragraph.

With regard to para. x) of the Code of Conduct, which deals with respect, the public postings made by Cllr. Pike and her reference to Council business would bring her comments within this part of the Code. I do not regard what she said about the Chairman and Vice Chairman as particularly disrespectful, and in any event, local politicians are expected to be a little more robust when subject to some mild criticism in the public domain. However, I do not accept that it was necessary to make these comments in the public domain, not only because it showed the Parish Council in a poor light, but in particular I do not find it was necessary to refer to the Clerk's actions and her salary in order to achieve the answers she was seeking. Her comments were easily traceable to identifying who she was referring to. Councillors have an elevated responsibility towards Council employees in particular. I therefore agree that she demonstrated a lack of respect in particular towards the Clerk and find Cllr Pike in breach of this part of the code.

Decision: I consider that Cllr. Pike is in breach of paragraph x) of Sunningdale Parish Council's Code of Conduct. I consider it would be appropriate for Cllr Pike to write a letter of apology to the Clerk in wording which is acceptable to the Chairman of the Borough Council's Employment and Members Standards Panel, and the Monitoring Officer. She is required to submit a draft to me within 5 working days of the date of this decision.

Notification of Decision

My decision has been sent to Cllr Jacklin and Cllr. Pike and will be published on the Borough Council's webpage for a period of 24 months

Under Part 7 Appendix 4 of RBWM's complaints procedure there is no further right of appeal. Anyone dissatisfied with this decision may however write to the Local Government

Ombudsman in limited circumstances. Further details are on the Local Government Ombudsman's website.

Mary Severin
Monitoring Officer
24th February 2020

ⁱ The appendix is withheld from the public domain due to data protection reasons