

## Complaint of Councillor Misconduct

If you have any questions or difficulties filling in this form or you are in need of any support in completing your complaint, please email the [monitoring.officer@stratford-dc.gov.uk](mailto:monitoring.officer@stratford-dc.gov.uk) or call 01789 260400 and ask for the Monitoring Officer.

If you are completing this form in handwriting please write clearly and in ink.

### Please note

1. Complaints can only be accepted in writing
2. An officer from the Council may contact you personally to go through the details of your complaint
3. The Council is unlikely to be able to keep your identity or the information you have provided confidential. If you have serious concerns about disclosure of your name and the details of your complaint, please complete Section Four on confidential information.

### Section One - Your details

Please provide us with your name and contact details

Title:	Mr and Mrs
First name:	Simon and Miranda
Last name:	Forrester
Address:	Courtyard Barn, Badgers Lane, Lower Tysoe, CV35 0BY
Daytime telephone:	
Evening telephone:	
Mobile telephone:	
Email address:	

Please tick the appropriate box to tell us which complainant type best describes you:

✓	Member of the public
	An elected or co-opted member of a Council (if applicable, please state which Council)
	Local authority monitoring officer
	Other council officer or authority employee
	Other (Please specify):

## Section Two: Who and what are you complaining about?

*If you are complaining about more than one person, please complete a separate form for each.*

i. Who are you complaining about?

Full Name	Cllr David Roache
Name of Council	Tysoe Parish Council

ii. Please tick the relevant box(es) below to show which part(s) of the Code you feel has/have been breached.

✓	Treated others with disrespect
	Bullied, harassed or discriminated against a person
	Compromised or attempted to compromise impartiality of a person who works for or acts on behalf of the council*
✓	Disclosed confidential information or prevented access to information
✓	Brought the Council or the role of Councillor into disrepute
✓	Used or attempted to use their position improperly to advantage or disadvantage themselves or another person
✓	Misused Council resources
	Failed to (1) undertake code training or (2) cooperate with a code investigation or (3) intimidated a person involved with an investigation or (4) comply with code sanction*
	Failed to register or declare interests
	Failed to register gifts or hospitality*

*\*Only applies to Councils that have adopted the LGA Model Code of Conduct*

iii. What is the misconduct you are complaining about?

Cllr Roache continues to ignore the facts, maintains the same misleading narrative publicly and in writing and exhibits disrespect and hostility towards us. This despite him already being found to be in breach of the Code of Conduct, brought himself and Tysoe Parish Council into disrepute, misunderstood the legal position, not been impartial, made an error of judgement, exacerbated the situation and behaved unacceptably.

We also believe that Councillor Roache does not comply with:

- I act with integrity and honesty
- I lead by example and act in a way that secures public confidence in the role of councillor
- I exercise reasonable care and diligence

iv. On what date(s) did this happen and where?

- In public statements and in writing between 13<sup>th</sup> February and 5<sup>th</sup> May 2023.
- June 2022

v. Why do you believe the councillor was acting in their capacity as a councillor when the alleged misconduct happened?

Because Cllr Roache was, and still is, Chair of Tysoe Parish Council, spoke at public meetings in that capacity and signed his emails to us, "Cllr David Roache."

**vi. Evidence**

Please attach to this form, copies of any correspondence, documents, or other evidence that you feel is relevant to your complaint. However, we do not need extensive background information; limit yourself to what is really relevant.

Please briefly describe the documents you are enclosing:

1.	Substance of complaint against Cllr Roache – Word document
2.	Two communications from Councillor Roache – Word documents
3.	Easements granted in 1996 to owners of The Barn – Word document

☐

Tick this box if you would like us to return the evidence to you.

**vii. Witnesses (if any)**

Please tell us the names and details of any witnesses:

	First Name	Last Name	Address/Phone Number
1.	Steve Teresa	Allen – former chair Allen Tysoe PC	15 Avon Avenue, Tysoe
2.	Kelly	Stepney	Stockleys Orchard, Pillerton
3.	Keith	Risk	Brown Beams, Tysoe

### **Section Three: Settling of your complaint.**

One option is an informal settlement of your complaint without the need for a formal investigation. Please use the box below to tell us whether you feel this might be possible in this case and, if so, could you suggest how?

An informal settlement might be possible in this case providing the facts are finally established and the truth acknowledged.

This could be achieved by Councillor Roache apologising for continuing to misrepresent us egregiously. Specifically apologise for:

1. Suggesting on 28<sup>th</sup> February 2023 we did not provide easements to the owners of The Barn after we provided proof in April 2022 that in 1996 we had granted such easements over the grass verge.
2. Continuing to claim that Mr Peter Endall of Warwickshire County Council said the residents of The Barn had prescriptive rights over the grass when he did not say that, as pointed out in the Deputy Monitoring Officer's letter
3. Stating our accusation of partiality was completely unfounded despite the Deputy Monitoring Officer concluding he did not deal with both sides fairly.
4. Claiming via email that we had sent "*abusive emails/texts*" to our neighbours.
5. Accusing us via email of, "*An Extreme Escalation of Harassment.*"

In addition we would like:

- an explanation of why Tysoe Parish Council ordered a copy of the title deeds to the grass verge despite us having previously provided a copy;
- the courtesy of response to the points made in our solicitor's letter of 27.10.22 and our email of 2.12.22;
- reconsideration of our entirely legitimate request for reimbursement of our legal fees, incurred solely as a result of Councillor Roache and Tysoe Parish Council's actions.

### **Section Four: Confidential Information (this part only applies if you are asking for your identity to be kept confidential)**

In the interests of fairness and natural justice, we believe Councillors who are complained about have a right to know who has made the complaint. We also believe that they have a right to be provided with a summary of the complaint that will contain your contact details and/or the contact details of any witness.

We are very unlikely to withhold your identity or the details of your complaint unless we have good reason to believe that if your identity is disclosed:

1. You have reasonable grounds to believe you will be at risk of physical harm or;
2. You are an officer working closely with the Member in question and you fear the employment consequences or,
3. It would create medical risks associated with a serious health condition.

Requests to keep your name confidential will not automatically be granted. However, if you have made such a request you will be contacted and advised of the decision and, if your request is not granted, we will allow you the option of requesting the withdrawal of your complaint.

**Please provide details below of why you believe we should withhold your name and/or the details of your complaint:**

**Declaration**

Please consider the complaint I have described above and the evidence attached. I understand and accept that the details will normally be disclosed to the Councillor and any parties involved in the complaints procedure. It may also be shared with the police in the prevention or detection of crime.

I confirm that the information given on this form is correct to the best of my knowledge.

Simon Forrester  
Miranda Forrester

9<sup>th</sup> June 2023

Signature: \_\_\_\_\_

Date: \_

Please send this form together with any attachments by email to by e-mail to [monitoring.officer@stratford-dc.gov.uk](mailto:monitoring.officer@stratford-dc.gov.uk)

Alternatively you can post it to  
Monitoring Officer for  
Stratford-on-Avon  
Elizabeth House  
Church Street  
Stratford upon Avon CV37 6H

**HOW YOUR INFORMATION IS USED.** Stratford-on-Avon will use the information that you provide for the administration of its complaints system (including sharing information with the subject councillor and Independent Persons). We may also share your information with other parties to whom your comments relate. We do this in the exercise of our official duty.

Your personal data will be held in accordance with our Retention and Destruction Policy which is available on our website. To discuss your right to request access to, rectification, restriction, portability or erasure of your personal data, or to object to the way that we process your personal data, please visit [www.stratford.gov.uk/privacy](http://www.stratford.gov.uk/privacy) You can contact our shared Data Protection Officer via email at [data.protection@stratford-dc.gov.uk](mailto:data.protection@stratford-dc.gov.uk) or by telephone on the mainline number 01789 267 575

## Document Control

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