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e-mail : Ross.Chambers@stratford-dc.gov.uk
My ref : RC/023339
Your ref :
Date : 4 July 2023

Mr and Mrs Forrester
Email only
simon@sfclarity.co.uk
mirandajforrester@gmail.com

Dear Mr and Mrs Forrester,

Complaint about Cllr David Roache, Tysoe Parish Council

I refer to your complaint about Cllr David Roache dated 9 June 2023.

In accordance with Stratford on Avon District Council's procedure for dealing with complaints about the conduct of councillors, this letter constitutes my assessment of whether your complaint warrants a full investigation.

Tysoe parish council has adopted the Local Government Association Model Code of Conduct. Your complaint alleges that Cllr Roache breached the following parts of the Code.

- Treated others with disrespect.
- 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.

Your complaint does not expand upon or include any evidence in relation to disclosing confidential information or preventing access to information, using their position to confer an advantage or disadvantage, or misusing council resources. I have not, therefore, assessed these matters.

I have limited my assessment to whether Cllr Roache treated you with disrespect or brought the parish council or the role of councillor into disrepute in his dealings with you.

LGA Guidance on the meaning of disrespect states:

Failure to treat others with respect will occur when unreasonable or demeaning behaviour is directed by one person against or about another...Disrespectful behaviour can take many different forms ranging from overt acts of abuse and disruptive or bad behaviour to insidious actions such as bullying and the demeaning treatment of others. It is subjective and difficult to define. However, it is important to remember that any behaviour that a reasonable person would think would influence the willingness of fellow councillors, officers or members of the public to speak up or interact with you because they expect the encounter will be unpleasant or highly uncomfortable fits the definition of disrespectful behaviour.

LGA guidance on the meaning of disrepute states:

In general terms, disrepute can be defined as a lack of good reputation or respectability. In the context of the Code of Conduct, a councillor's behaviour in office will bring their role into disrepute if the conduct could reasonably be regarded as either:

- 1. reducing the public's confidence in them being able to fulfil their role; or*
- 2. adversely affecting the reputation of your authority's councillors, in being able to fulfil their role.*

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

In carrying out my assessment I have taken into account comments received from Cllr Roache and the Independent Persons.

The background to your complaint is a previous matter involving Cllr Roache which resulted in him self-referring himself to the Monitoring Officer. I assessed that self-referral and concluded that there was merit in the suggestion that Cllr Roache had brought the role of councillor or the parish council into disrepute. I concluded the public interest was best served by Cllr Roache acknowledging that his conduct was unacceptable and making a public apology to yourselves. This public apology was delivered by Cllr Roache at a meeting of the parish council on 13 February 2023.

I do not propose, therefore, to re-assess the subject matter of Cllr Roache's self-referral complaint, i.e. his involvement in your dispute with your neighbours prior to the public apology. This matter has already been assessed and a local resolution was agreed.

In relation to new matters, you state that since Cllr Roache's public apology his correspondence with you and actions/omissions has "effectively disregarded" my decision and "rendered his apology largely meaningless".

In terms of evidence, you firstly refer to the preamble to Cllr Roache's apology which he read out at the parish council meeting on 13 February 2023.

I have read the preamble. I do not consider it contains anything disrespectful or which otherwise breaches the Code. The intention was to out the subsequent apology in context, for members of the public who would not know what the apology was about. You may not agree with all of what is said in the preamble, but I do not consider it disrespectful towards you. The public apology that followed was full and sincere and appropriately drew a line under the matter, as far as the Code of Conduct is concerned. I do not consider the preamble tarnishes the apology or renders it meaningless.

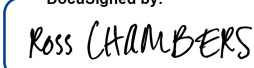
The second document you refer to is an e-mail from Cllr Roache to you, which I understand was sent on 28 February 2023. I have read this e-mail. I understand it was sent in response to an e-mail from you setting out "factual errors" with the preamble. Again, I do not consider that anything in that that e-mail is disrespectful towards you or brings the role of councillor or the parish council into disrepute. You may not agree with all the contents, but it does not breach the Code of Conduct in terms of content or tone.

In conclusion, I have not sought to re-open my Code of Conduct assessment of Cllr Roache's involvement in your dispute with your neighbours. This was assessed and, from my perspective, satisfactorily concluded by the public apology that Cllr Roache gave.

In relation to Cllr Roache's conduct since that public apology (including the matter of the preamble to the apology) I have not seen any evidence that Cllr Roache has treated you with disrespect or brought the role of councillor or the parish council into disrepute, which would warrant further investigation of the matter.

I decide, therefore, to take no further action in relation to your complaint. For completeness, I also add that the matter of your legal costs is a matter between you and the parish council and is not within my remit to give a view or adjudicate on.

Yours sincerely

DocuSigned by:

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Ross Chambers
Solicitor & Deputy Monitoring Officer
Legal Services
Stratford-on-Avon District Council

Cc Cllr Roache
Clerk to Tysoe parish council
Independent Persons
Monitoring Officer