

St Stephens by Launceston Rural Parish Council

Minutes of Council meeting held on 16th January 2025 at Langore Village Hall.

24/122: **Present:** Cllrs. J Heaton, C Gunning, C Frost, A Lipscombe, J Ranson, Hayden Clerk and Cllr. Paynter in attendance.

24/123: **Apologies :** Cllr Goodenough

24/124: **Declarations of interest:** Cllr Ranson, aspects of Langore Green

24/125: **Minutes:** Minutes of meeting 5/12/24 were agreed, it was noted that the minutes were not published within 30 days of the meeting.

24/126: Public **representation;** none

24/127: **Statement of facts:** It was agreed that no further action is taken regarding the revised statement of facts.

24/128: **Correspondence:** An email has been received from Cornwall Council stating that street lights in Langore would be switched off from 2400 to 0500. Objections would be considered. It was agreed to survey the residents of Menhenniot Close (where the streetlights are) and action the result.

Thanks were expressed to Mr and Mrs Toms for their response and the Council looks forward to a better working relationship.

24/129 **Reports;**

The tap at Truscott Cemetery is now working.

Cllr Paynter reported that the new waste collection system was generally settling in well, potholes were an ongoing problem. He also apologised for non attendance at some of our meetings due to diary clashes.

24/130 **Highways and Village Green:** It was agreed unanimously to purchase an additional speed monitor for Langore and pursue the erection of posts in Langore and moving the one at Cross Lanes.

There is to be an A388 community safety campaign, Council agreed not to support the campaign financially but provide data from our speed camera on the A388

24/131 **Finance.**

a) Cheques for payment :

Langore Village Hall chq 052	£66.00
J Conway chq 053.	£337.36
HMRC chq 054.	£59.60
Elan City chq 055.	£2807.99

b) It was agreed to open a deposit account with Lloyds bank

c) Precept 2025/6 unanimously agreed to remain at £7600.

24/132 **Planning:** Cllr Paynter asked for comment on the pre application for a pond at Walters Cottage. Concern was raised that the proposed pond was of a considerable size and would be stagnant, not being fed from a watercourse.

24/133 **Dog Walking Field:** Carry forward

24/134 **Website:** see 24/125 above

24/135 **Code of Conduct:** Cllr Ranson confirmed that he would not apologise as instructed by Cornwall Council Standards Officer. The Clerk explained that it was a requirement of councillors to carry out the instruction of the Standards Officer following a complaint. This does not comment upon the complaint itself, similar to a court decision, the accused must carry out the sentence of the court. In this instance Cllr Ranson has refused to carry out the instruction of the Standards Officer and is therefore Censured.

24/136 **Questions:** None this time

24/137 Date of next meeting 6/2/25

24/138 Meeting closed at 2205



ASSESSMENT DECISION NOTICE

A BREACH OF THE CODE HAS BEEN FOUND

ACTION REQUIRED

Reference:	CCN009/24/25
Complainant:	Cllr J Heaton, St Stephens by Launceston Rural Parish Council
Subject Member:	Cllr J Ranson, St Stephen by Launceston Rural Parish Council
Person conducting the Assessment:	Simon Mansell, Group Manager - Assurance
Date of Assessment:	03 June 2024

Complaint

That, for the reasons set out below, the Complainant considers that the Subject member has breached the Code of Conduct.

Decision and Action

That for the reasons set out in this Notice, there has been a breach of the Code of Conduct.

A suitable remedy for the breaches is that the Subject Member should apologise to Council for breaching the Code, with the wording of this apology to be provided to the Monitoring Officer in advance of it being given. The Subject Member is also reminded that he should not take part in any matter relating to the Green, whatever it is.

Should the Subject Member not give the apology at the next meeting of Council after the review period as set out in this notice has expired the Council should consider censuring the Subject Member.

Reasons for the Decision

In undertaking this assessment I have had regard to;

- The complainant and association documents;
- The response from the Subject Member; and
- The views of the Independent Person.

Application of the Code of Conduct

In considering the complaint as made I am satisfied that the Subject Member was acting in their official capacity at the time of the alleged conduct and therefore was bound by the Code of Conduct.

As with all ethical standards complaints this is assessed against the Code of Conduct adopted by the Council and the procedures for assessing complaints adopted by Cornwall Council. The information provided is assessed on the balance of probabilities this is, would a reasonable person objectively considering of all the facts be of the view it is more likely than not that the actions of the Subject Member amount to a breach of the Code of Conduct.

The Complaint

The Complainant has set out that the complaint relates to the meetings of the Parish Council held on 14 March 2024 and 11 April 2024 and in starting the Complainant has explained the divisions which exist within the Parish Council and have given the background to the situation concerning Langore Village Green.

At the meeting held on 14 March 2024 it is set out by the Complainant that the Subject Member accused her of altering the Minutes and placing them on the website.

The Subject Member is then said to have accused the Complainant of wasting time and money clarifying the legal position of the Council in relation to Langore Village Green, accused her of contacting the Open Spaces Society without the consent of this Council and said the Complainant forwarded an email from an ex-Parish Councillor to the Clerk to forward to Planning. Within the complaint the Complainant has explained that the Subject Member had previously lodged a Code of Conduct complaint against her – CCN132/23/24, which was

rejected and by repeating the allegations in Council, the Subject Member showed that he had no regard for the advice of the Monitoring Officer.

The Complainant has then said she can only conclude that the Subject Member is targeting her as Chair and attempting to unlawfully discriminate, harass, bully and intimidate her, and disrupt Council business, thus bringing the Council into disrepute.

In the complaint it is then said that the Subject Member appears to be using his position to confer an advantage on himself with reference to Langore Village Green as he has a pecuniary interest in Langore Village Green and should not take part in debate nor vote on matters relating to the Green.

Finally, the Complainant has set out her concerns about the actions of a number of members of the public who appear to be supporting the Subject Member and has set out that a meeting with the local police has been requested as the situation in the Parish is getting out of hand and councillors could be in danger.

The Response from the Subject Member

In responding to the complaint, the Subject Member has said that he has never discussed the matter of the Green at this or any meeting. As soon as Langore Village Green is discussed the Subject Member has said he declares an interest and leaves the meeting, the Subject Member has added that his solicitors deal with all communication with regards to Langore Village Green.

Further the Subject Member said he asked the Complainant to apologise on behalf of the Council for spending in excess of £5000 of Parishioners money and the Subject Member has said that the Parish Clerk has previously admitted on numerous occasions that Councillor Heaton authored the letter which was sent to the OSS without consent.

Linked to this, and in further explaining his actions the Subject Member has set out the Monitoring Officer dismissed the Subject Members complaint against the complainant and no advice on this was given. As a result, the Subject Member gave the Chair an opportunity to apologise for her actions.

Consideration of the Facts

In considering the complaint, and with regards to the concerns which have been expressed about members of the public and the actions attributed to them, whilst these are noted it is beyond the scope of this regime to deal with this matter further.

The ethical standards regime, which has limited powers, can only deal with the conduct of a Councillor when they are acting in that capacity.

As a result, it is recommended that the Complainant continues to involve the police with regards to the concerns she has.

In considering the conduct of the Subject Member and dealing with the conduct which is directly attributable to the Subject Member only.

I have considered the minutes of the meeting of the Council held on 14 March 2024 and at minute 23/169 it is recorded that the Subject Member has asked the following questions;

- *Will the chair of this council apologise for the amount of time and money wasted clarifying the legal position of this council in relation to Langore village Green?*

- *Will the chair of this council apologise for contacting the Open Spaces Society without the consent of this council?*
- *Given that the chair of this council is responsible for adding content to the council website, will they apologise for adding inaccurate council meeting meetings to the website?*
- *Will the chair apologise to the Village Hall committee for the lack of action in regards to the deed of variation for the hall field?*
- *Will the chair of this council apologise for forwarding an email from an ex parish councillor to the clerk of the council to forward to County Council planning department in relation to a planning application at Glebe farm, Truscott?*

The Subject Member has responded to the complaint and has set out that, with regards to the Green, he declares an interest and leaves the meeting. It is noted that this was done during the public representation part of the meeting which was held on 14 March 2024 but not when asking questions which the Subject Member has said are directly linked to the Green.

In considering if the Subject Member does have an interest in the items raised, the Code of Conduct sets out that;

If you are present at a meeting and you are aware that you have a non-registerable interest, a disclosable pecuniary interest or an interest by virtue of any trade union membership in any matter being considered or to be considered at the meeting you must disclose that interest to the meeting if that interest is not already entered in the register and, unless you have the benefit of a current and relevant dispensation in relation to that matter, you must:

- (i) not participate, or participate further, in any discussions of the matter at the meeting;*
- (ii) not participate in any vote, or further vote, taken on the matter at the meeting; and*
- (iii) remove yourself from the meeting while any discussion or vote takes place on the matter, to the extent that you are required to absent yourself in accordance with the Council's standing orders or other relevant procedural rules.*

The first question asked by Subject Member, by his own admission, directly relates to the Green and this is something in which the Subject Member has said he has an interest.

The Code of Conduct is clear, within paragraph 3.5 it states if you have an interest in any matter being considered or to be considered at a meeting, you must act in accordance with the Code. This requirement is not waived if you are asking a question on a matter in which you have an interest in.

Even though the question relates to expenditure, this is expenditure linked to land owned by the council and in which the Subject Member has an interest in and by not declaring an interest this is a deliberate attempt to circumvent the restrictions of the Code.

I am satisfied therefore that the Subject Member has breached paragraph 3.5 of the Code. Additionally, paragraph 2.11 of the Code prevents a member from conferring an advantage on themselves. By asking the question, in breach of 3.5, about expenditure which affected him, I also consider that the Subject Member has breached 2.11 as being a member has placed him a unique position to ask questions such as this and this have been misused by the Subject Member.

With regards to the remainder of the questions ask by the Subject Member.

Case law, Harvey v Ledbury Town Council, made it clear that any grievances or concerns about a Councillor were only to be dealt in accordance with the ethical standards complaints process and that Councillors and council could not undertake this role themselves.

Linked to this is the fact that the points which were raised by the Subject Member have already been considered by way of the complaints process.

Considering this objectively, and in knowing all the facts, by asking the question he did the Subject Member was seeking to circumvent the outcome of these findings.

Whilst the point raised by the Subject Member that 'no advice was given' with regards to the outcome of the complaints, the complaint was rejected and the Subject Member was not required to apologise for her actions, something which only can arise following a breach of the Code, and the subject Member and the Council lack the powers to take this further.

Taking an objective view of the facts there is a deliberate attempt to circumvent the formal process by the Subject Member with this then showing a lack of respect for the formal process and the Complainant, breaching paragraph 2.1. I am also of the view that, by acting as he did a reasonable person would consider that the Subject Member was seeking to intimidate the Complainant and thereby breaching paragraph 2.4 of the Code.

The way by which any group or body seeks to undertake its business is governed by a set of rules and whilst it is accepted that the issue of the Green is an important one in his private capacity when this impacts on the work of the body this is then a breach of those rules. As such it is also considered that by acting as he did the Subject Member has brought his office into disrepute breaching 2.10 of the Code. I have also considered given how long this matter has been going on if the continued attempts by the Subject Member to circumvent the rules has brought his authority into disrepute, however, on this occasion I am not of the opinion that this has occurred.

Finally, having breached the Code as is set out above I also consider that the Subject Member has failed to uphold high standards of conduct as it required by 2.5 of the Code of Conduct.

Views of the Independent Person

As stated above I have carefully considered the evidence contained in the video recording of the meeting held by the St Stephen by Launceston Parish Council. It demonstrates a complete failure of local administration which seems to have progressed beyond the relevance of the Code of Conduct and appears to be completely dysfunctional.

I examined the video of the meeting in question even though the quality of sound on the recording was poor.

The subject member has admitted that he had proposed a vote of no confidence in the Chair and this was added to the agenda in a previous meeting. I consider that this was carried out correctly and the councillor was representing his own views as well as some of his parishioners. I do not believe that he has breached the Code of Conduct by treating the complainant with disrespect (2.1) or attempting to bully or intimidate her (2.3) (2.4) As previously noted, the issues in dispute have not been resolved and the subject member continues to make efforts to find solutions to these issues as this is an important part of his role as a councillor.

I consider that during the meeting his requests for apologies from the chair were presented in an acceptable manner (2.5) (2.10)

The subject member states that he has always left the meeting when issues relating to Langore Village Green are discussed. I find no breach of (3.5) of the Code.

Summary and Actions

With regards to the Conduct of the Subject Member and the breaches of the code which are find above.

It is of concern that the Subject Member acted as he did with regards to the questions asked and, in considering the complaint and the response from the Subject Member it would appear that he let his own interests in the matter of the Green overtake him.

There can be no reasons for this, other than personal. If there is confusion with regards to the advice given by the Monitoring Officer this can be questioned, free of charge, and advice, or further advice given.

However, breaches of the Code have been found and in considering a suitable remedy for these breaches the Subject Member should apologise to Council for breaching the Code, with the wording of this apology to be provided to the Monitoring Officer in advance of it being given. The Subject Member is also reminded that he should not take part in any matter relating to the Green whatever it is.

Should the Subject Member not give the apology at the next meeting of Council after the review period as set out in this notice has expired the Council should consider censuring the Subject Member.

The issue of the Green and the internal differences between members of the Council and members of the public have no reached the point where this is detrimental to the business the Council is seeking to undertake and the internal splits within the Council do not lend themselves to this being resolved.

This is a long running issue and it should be apparent to all, whether members of the Council or not, that the methods used to date will not resolve the issue and can only result in further discord within the Council.

There is no wish to continually receive complaints linked to this subject or to find breaches of the Code as ultimately this may only deepen divisions.

Therefore, it is suggested to the Council that's is internal differences on this matter are put to one side and to let the matter be resolved by a legal process or processes with the Council supporting whatever the outcome of this process is.

What happens now?

This decision notice is sent to the Complainant, the member against whom the allegation has been made and the Clerk to St Stephens by Launceston Rural Parish Council and a copy placed on Cornwall Councils web site.

Right of review

At the written request of the Subject Member the Monitoring Officer can review and, if the review is successful this may result in a change to the finding made in the original assessment.

We must receive a written request from the Subject Member to review this decision within 14 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed. The grounds for

requesting a review must be substantive, and a re-submission of the original complaint will not be classed as substantive and neither will a request that sets out the findings are disagreed with. There must be fresh information in the request which was not considered at assessment which is such that this may result in a different outcome.

If we receive a request for a review, we will write to all the parties mentioned above, notifying them of the request to review the decision.

Additional help

If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

We can also help if English is not your first language.

