



# Basingstoke and Deane

## **BASINGSTOKE AND DEANE BOROUGH COUNCIL** **DECISION NOTICE**

### **DECISION NOTICE:**

**Reference: 044084**

**Complainant: Mr. Bhupinder Gill**

**Subject Member: Cllr David Potter**

### **Summary of complaint:**

On 27 February 2018, the Deputy Monitoring Officer and Independent Standards Assessor considered a complaint from Mr. Bhupinder Gill, the Council's Monitoring Officer and Head of Law and Governance concerning the alleged misconduct of Councillor David Potter, a member of the Basingstoke and Deane Borough Council.

The Complaint concerns an email sent by Councillor Potter to all the elected members of the Council on 10 December 2017. The email sets out details of unresolved complaints Councillor Potter has against Mr Gill and the Council's Chief Executive. The email questions the professional competence and integrity of Mr Gill. It also seeks to undermine the Chief Executive's attempts to resolve the matter.

The Complainant alleges that Councillor Potter's conduct was disrespectful; intimidatory, sought to compromise the impartiality of council officers; has brought his office and the council into disrepute and has used council resources for political purposes.

### **Decision**

In accordance with the Arrangements for dealing with Complaints, the Deputy Monitoring Officer in consultation with the Independent Standards Assessor and the Independent Person has upheld part of the Complaint and determined that Councillor David Potter had failed to treat the officers with respect and as a consequence has breached the Code of Conduct for Councillors.

Councillor Potter is reprimanded for his conduct.

### **Reasons for decision**

The Complaint was considered under the Code of Conduct for Councillors and the Arrangement for Dealing with Complaints against Councillors. Councillor Potter had also supplied further information in relation to the complaint.

Under Clause 6.5 of the Arrangements, the Deputy Monitoring Officer determined that there had been a breach of Part 2(1) of the Code of Conduct and that the relevant sanction should be a Reprimand for the following reasons:

1. The Code of Conduct requires that Councillors must treat others with respect when acting as a member of the Council.
2. Councillor Potter used his council email account to send an email to all other elected members of Basingstoke and Deane Borough Council on the 10 December. The email was sent in his capacity as an elected member, using council resources, to all elected members using their council email accounts.
3. The email of 10 December questioned the professional competence and integrity of the Council's Monitoring Officer. The email also contained disparaging remarks about the Council's Chief Executive.
4. It was disproportionate to publish the email to all 60 members of the council. Any concerns a Councillor had about a Council officer should be raised in a proportionate way using appropriate procedures which respect the officer's contract of employment and provide an officer a right of reply.
5. In this case it is acknowledged that formal procedures to raise concerns were not available at the time. However advice should have been sought before taking such public action and any concerns could have been raised with the Director responsible for the Monitoring officer and/or the Leader or relevant cabinet member.
6. On the evidence provided the offending email did not compromise the impartiality of the officers concerned or bring the councillor's office or the council into disrepute.
7. There is no evidence that the offending email was sent for party political purposes.

This Decision Notice is sent to the Complainant and Councillor Potter

### **Right of Appeal**

There is a Right of Appeal within 10 working days from the date of this Decision Notice.

**Signed:** *Marie Rosenthal*

**Date:** 1 March 2018

**Deputy Monitoring Officer**

## **Additional Help**

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Disability Discrimination Act 2000.

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

## **Access to the complaints process**

Certain groups of customers may find it more difficult to make a complaint for example due to English not being their first language, sight impairment etc. It is our duty to assist the complainant in gaining access to the complaints procedure but we must not make the complaint for them or misrepresent their complaint. The Council do not insist that a complaint is made in writing, particularly where this would hinder an individual in making their complaint.

The following services are available to assist customers in making their complaint.

Translation  
Interpreting  
Braille/Large Print  
Minicom  
Text  
Online form