

## DECISION NOTICE

### BACKGROUND

On 11<sup>th</sup> April 2017 and 4<sup>th</sup> August 2017 the Deputy Monitoring Officer (“DMO”) considered a complaint from Mrs Alison Shaw concerning the alleged conduct of Cllr Mike Taylor, a member of Tonbridge and Malling Borough Council and Borough Green Parish Council.

In consultation with the Independent Persons and Chairman and Vice-Chairmen of the Joint Standards Committee, the Deputy Monitoring Officer determined that the matter was suitable for informal resolution and proposed a range of measures as follows:

- Cllr Taylor to consider making an apology to Mrs Shaw for the distress she has been caused in this matter. Whilst the DMO is aware Cllr Taylor cannot be compelled to apologise, an apology may go some way towards repairing the relationship between the Councillor and his constituent;
- The parties to undergo mediation. If this is agreed, the Borough Council will approach the Centre for Effective Dispute Resolution (or equivalent independent body) to appoint a mediator to liaise directly with the parties. Refusal by the subject member to undergo mediation will be taken into account in any reconsideration of the complaint;
- Changes be made to the Parish Council’s procedures to ensure that “official” business of the Parish Council is carried out through the Parish Clerk or other appropriate officer and in particular that thorough investigation is carried out where the Parish or a Parish Member acting in their official capacity, wishes to bring forward proposals which might affect private property;
- Until mediation has been carried out, Cllr Taylor should not approach or contact or attempt to contact Mrs Shaw or her family in any way. The DMO also recommends that Mrs Shaw should not attend any Parish meeting until after mediation;
- Cllr Taylor to revisit within one week of this decision the contents of his websites and social media pages to excise any profane, offensive or “humorous” content relating to the Rock Tavern and to confirm to the DMO when this has been done.

Full details of the complaint, and considerations taken into account by the DMO are set out in the decision notice issued on 11<sup>th</sup> August 2017, and are not recited again here.

### INFORMAL RESOLUTION

Cllr Taylor informed the DMO that he had removed some content from his website and social media accounts. Other material, which was not attributable to him, he was either unwilling or (in some cases) unable to delete without (as he saw it) censoring the views of others.

Cllr Taylor was unwilling to enter into mediation. His view was that nothing would be achieved by such a process.

The DMO also received further correspondence from Mrs Shaw in which she re-stated the effect that the circumstances surrounding the complaint had upon her. She also made reference to a

number of other matters which clearly have had a bearing on how she views Cllr Taylor, however these either do not form part of the substance of the complaint under consideration, or concern matters which are not, as a matter of fact, attributable to Cllr Taylor.

## **DECISION**

As the informal resolution process has not been followed by Cllr Taylor, it falls to the DMO to reconsider whether in the circumstances the matter should proceed to investigation. In doing so, the DMO must reconsider the legal jurisdiction and local assessment criteria tests as set out in Annex 2 of the Arrangements. In relation to the legal jurisdiction tests, the DMO considers that nothing has changed since the complaint was made. In relation to the local assessment criteria, the DMO is of the view that criteria (i) and (j) may be applicable:

*“(i) the complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken;*

*(j) the complaint is such that it is unlikely that an investigation will be able to come to a firm conclusion on the matter (e.g. where there is no firm evidence on the matter)”*

In relation to criterion (i), the DMO was made aware that Kent Police had undertaken an investigation in relation to Cllr Taylor’s conduct. That investigation was concluded with no further action being taken. Whilst the civil and criminal standards of proof are different, the DMO considers it significant that Kent Police did not feel able to act. The DMO also considers that informal resolution was the most appropriate route in this case. The measures available to a Hearing Panel, in the event of a finding of a breach, are unlikely to achieve any more successful resolution of the matter and as such there is nothing more to be gained by further action being taken. There has been a degree of compliance with the suggested measures, in relation to Cllr Taylor’s websites and social media accounts.

In relation to criterion (j), whilst there is clear evidence relating to the attempted positioning of the commemorative plaque, the DMO has already concluded that this activity did not amount to a breach of the code. The evidence relating to Cllr Taylor’s conduct, in particular his dealings with Mrs Shaw, is unclear and the DMO has received competing accounts of what has occurred since. It is not clear whether an investigation would be able to ascertain the true circumstances of the case.

In consultation with the Independent Persons and the Chairman and Vice-Chairmen of the Joint Standards Committee, the DMO has therefore concluded that no further action should be taken in this matter, on the basis that local assessment criteria (i) and (j) apply.

## **NOTIFICATION OF DECISION**

This decision notice is sent to the:

- Complainant

- Subject member
- Clerk to the Borough Green Parish Council

### **WHAT HAPPENS NOW?**

The matter will be reported to Joint Standards Committee for information, and no further action will be taken.

### **APPEAL**

There is no right of appeal against the DMO's decision.

### **ADDITIONAL HELP**

If you need additional support in relation to this decision notice or future contact with the Borough Council, 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 Equality Act 2010. We can also help if English is not your first language. Please contact our customer services or visit our website.

**Signed:**

**Date: 31 August 2017**

**Print Name:** KEVIN TOOGOOD

Deputy Monitoring Officer of the Tonbridge and Malling Borough Council

Gibson Building

Gibson Drive

Kings Hill

West Malling

Kent ME19 4LZ



**Kent  
Police**

**Protecting and serving** the people of Kent

17<sup>th</sup> July 2017

Mr Taylor,

Further to my letter of 6<sup>th</sup> July 2017 and your enquiry dated 8<sup>th</sup> July 2017 I had previously reviewed the reported incident and I have also spoken to PCSO Mark THOMAS who confirms that you have been made aware that the initial report for the theft of the sign you erected (Police report YY/006722/17) at Tavern Close has been filed as there was insufficient evidence to proceed with an investigation. If any further evidence comes to light in relation to his report it will be re-opened and investigated accordingly. PCSO Thomas also informed me that you are aware that the second sign erected is currently being held by Circle Russet Housing and you are at liberty to contact them to arrange to collect this item. I have previously provided details of the contact at Circle Russet Housing if you wish to pursue collecting the sign.

We were contacted by a member of the public in relation to the matter of the plaque that was erected at Tavern Close but this was not deemed to be a matter for the police to investigate. It has been initially referenced as SI/YY/001227/17 and has been filed with no police action required.

Regards

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1 Pembury Road  
Tonbridge  
Kent  
TN9 2HS  
Tel: 101