

**DECISION NOTICE
CLLR. WENDY SOILLEUX
BARTESTREE WITH LUGWARDINE PARISH COUNCIL**

Complaint Number: COC031 & COC048

DECISION

The complaints in COC031 were not upheld.

No further action would be taken in respect of the complaints in COC048, as the wider issues were covered by the Report into conduct at Bartestree with Lugwardine Parish Council.

1. COMPLAINTS

The Monitoring Officer received 19 complaints in respect of Bartestree with Lugwardine Parish Council, 2 of which related to Cllr. Soilleux. A summary of the complaints is set out below:-

COC031 – That Cllr. Soilleux made a disrespectful comment at a Parish Council meeting in March 2023, Cllr. Soilleux made a letter public on Facebook in breach of confidentiality rules

COC048 – That Cllr. Soilleux had asked a complainant to complain about others, and suggested that the Parish Council accept a gift from that complainant.

2. POTENTIAL BREACHES OF THE CODE

2.1 The Complainant considered that Cllr. Soilleux breached the following parts of the Councillor Code of Conduct for Bartestree with Lugwardine Parish Council in respect of her behaviour at the Parish Council meeting of March 2023 and as a resident had published a letter to Cllr. Soilleux on Facebook :-

- 1.1 I treat other councillors and members of the public with respect**
- 4.1 I do not disclose any information given to me in confidence**

2.2 A further complaint was received that Cllr. Soilleux had breached the following parts of the Councillor Code of Conduct as she sent round an offer from a developer to provide the Council with a free panel:-

5.1 I do not bring my authority into disrepute

10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.

3. PROCEDURE USED BY THE INVESTIGATING OFFICER

3.1 An Investigator was appointed by the Monitoring Officer, and a report was produced for the Monitoring Officer which encompassed all complaints at Bartestree with Lugwardine Parish Council. The following evidence was relied on in respect of these complaint:-

- a) **Complaints including email from Cllr. Soilleux to parish councillors**
- b) **Letter from Donor of land dated 4 January 2018**
- c) **Minutes of the meeting of March 2023 (later removed from website)**
- d) **Response from Cllr. Soilleux**

4. INVESTIGATING OFFICER'S FINDINGS

4.1 The Council received a complaint that Cllr. Wendy Soilleux was disrespectful to a member of the public at the meeting of 14 March, and had said 'Will someone please shut that mouthy bitch up' to another councillor in respect of that member of the public, and that she read out a resignation letter from another councillor despite objections from the Chair and the Clerk. There was a further complaint that Cllr. Soilleux had facilitated the release of a letter from the Donor of the Community Field to Wendy Soilleux, which was then published on Facebook by another resident.

4.2 With regard to the complaint of comments made by Wendy Soilleux, the Monitoring Officer did not consider it reasonable or a good use of public funds to investigate a hearsay allegation at a meeting that the Chair herself agrees was 'rowdy', as set out above. The Complainant says that she was '*told*' that Wendy Soilleux had made the comment, rather than having heard it herself. Several councillors have subsequently written to me, following the production of the draft report, to say that they heard Cllr. Soilleux say 'will someone shut that woman up', rather than 'mouthy bitch'.

However this was not the complaint, and the complainant did not identify others who heard the comment, which she herself had not heard. It is not the role of the Investigating Officer to seek out information through a 'fishing expedition' by asking those who attended the meeting what they heard – an investigation needs to be proportionate. The Code of Conduct investigation regime in England is not designed for lengthy investigations and/or complicated points of evidence. Where a matter would involve disproportionate costs when compared to the allegation or where it is unlikely that a certain outcome is evident, then the regime permits the Monitoring Officer not to take a matter any further.

4.3 With regard to the complaint that Cllr. Soilleux read a resignation letter from another parish councillor at a Council meeting, despite objections from the Chair and the Clerk. Cllr. Hoppe tells me that this was not a resignation letter but an accusatory letter from an ex-councillor which should not have been aired at a Parish Council meeting. Regardless of what the letter was about, this is a matter for the Parish Council itself and its own procedures - and not one in which the Monitoring Officer can intervene. The Parish Council has standing orders which regulate its conduct with regard to Parish Council meetings and these could have been applied by Cllr. Hoppe as the Chair to stop this conduct if she felt it appropriate.

4.4 With regard to the letter from the Donor of the land, which was posted on Facebook, as it was provided to all Parish Councillors then it could have been supplied by any one of them. The letter itself was written to Cllr. Soilleux when she was Chair of the Parish Council and it is not marked 'Confidential'. In the event that a member of the public had requested sight of the correspondence, then it should have been released under the Freedom of Information Act 2000. Therefore even if Cllr. Soilleux had facilitated the release of the letter, this would not constitute a breach of the Code of Conduct as residents were entitled to see the letter if they requested a copy.

These complaints were NOT upheld.

4.5 An additional complaint has been received that Cllr. Soilleux encouraged the complainant in CoC039 to complain about Cllrs. Hoppe, Wargent & Green. There is a second complaint that Cllr. Soilleux encouraged councillors to accept a gift from a developer in breach of the Councillor Code and that this could result in the Council being perceived as not acting in an impartial manner should this developer seek further planning permission at any time in the future.

4.6 The Complainant alleged that Cllr. Soilleux has a personal relationship with the developer (also the Complainant in CoC039) and as evidence for this she cites that he wrote to Cllr. Soilleux direct regarding the offer of a panel rather than going through the Clerk. The Complainant did not raise this when she was asked for her comments on the complaint against her (COC039).

4.7 I conclude that this is a 'tit for tat' complaint as it was raised the day after the complainant was sent the draft report setting out the findings in respect of the complaint against her (CoC039). I would find it impossible to investigate whether Cllr.

Soilleux encouraged the developer to complain, as both Cllr. Soilleux and the developer would no doubt deny this. In any event, encouraging another person to make a complaint if they are unhappy with their treatment by a Councillor is not a breach of the Code of Conduct.

4.7 The second part of the complaint is that the loan/gift/offer of a panel for the Parish Council was made to Cllr. Soilleux and that she wrote to the other Parish Councillors advising them of this, and recommending that it should be accepted. In this case, offering/accepting a gift would **not** be a breach of the Code if proven, because the loan/gift/offer was made to the Parish Council as a whole and therefore is not a Code of Conduct matter. The Code of Conduct relates only to individual councillors. In this case, the offer was made by a developer to Cllr. Soilleux direct and not to the Clerk, but Cllr. Soilleux did then send this round to other councillors for their views. The offer being made direct to Cllr. Soilleux could be seen as evidence of a personal relationship between the parties and Cllr. Soilleux should consider this, in the event that the Parish Council is asked to make any future decisions which concern the developer.

4.8 The Parish Council acted appropriately by refusing an offer of a loan or gift from a local developer, as accepting the offer may have caused residents to consider that there was a relationship between the parties and this could potentially bring the Council itself into disrepute and cause reputational damage, in the event that the developer made any further applications for planning permission.

4.9 At least one Subject Member has said in correspondence that Cllr. Soilleux did not declare an interest in the diversion of Footpath LU10/12 (6 Willow Lea) and that the property is owned by her daughter. Whilst no formal complaint was made in this respect, I have checked the minutes (July 2021) and for the avoidance of doubt I can confirm that Cllr. Soilleux did declare an interest in that item on the Agenda.

5. DECISION OF THE MONITORING OFFICER

5.1 I have considered the Report of the Investigating Officer and I agree with its findings. In accordance with S28(7) Localism Act 2011 I have sought and taken into account the views of two Independent Persons appointed by Herefordshire Council for the purposes of the Act. The Independent Persons agree that no further action should be taken in respect of complaint number COC048.

5.2 In respect of complaint number COCO39, I considered this in July 2023 and it was not upheld by me.

5.2 In view of the public interest in this matter, and the large number of complaints, a full copy of the report has been provided to complainants and parish councillors.

5.3 There is no right of appeal against this decision notice.



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Monitoring Officer

Dated: 25/10/2023