

Complaint 3

Complaint in black, response from Barr community council in blue italics

Preamble

Prior to discussion of this complaint, a matter was raised by a community councillor. They did not accept that <organisation> could raise a complaint under 18.1 of the general public complaint process, so they are not competent as a complainant. In addition, the complaint had timed out as the scheme quoted 4 weeks. While it was unanimously agreed that the Scheme did not allow an organisation as a competent complainant, Chair asked that we give the <organisation> the courtesy of discussing the complaint despite it breaching the rules of the scheme. All agreed to consider as a courtesy.

Scheme 18.1

Community Councils should adhere to the Governance, including the Code of Conduct, for Community Councils. However, from time to time, complaints from the general public may be made about Community Councils and individually against Community Councillors.

GPCP 8.1

You should make your complaint within a reasonable period of time e.g. within four weeks of the event you want to complain about.

Dear Barr Community Councillors,

<organisation> are raising a formal complaint against Barr Community Council in relation to comments and behaviours at the Barr Community Council meetings in October and November 2022. Additionally, we are raising a complaint against the chairperson, Tom Walker, in relation to his behaviour at the <event>.

The complaint is as follows:

1. At the Barr Community Council meeting on October 13th, 2022, at least two community councillors accused <organisation> of wilfully and knowingly misleading the community of Barr with regards to the status of the village hall. In effect, <organisation> were accused of falsehoods, dishonesty, misrepresenting information, and of a poor track record of presenting balanced information to the community. This was done in a public meeting without giving the <organisation> the opportunity to respond. Additionally, strong language comparing <organisation> to the president of Russia was voiced by a community councillor, which we find abhorrent and shameful.

Issue: allegations of lack of respect, bias, bad conduct

Comments made by community council during discussion:

- Discussion was around the denial from <organisation> trustees that they had never used the term “save the hall” or words to that effect.*
- <organisation> trustee published document with headline “Why save the hall, why save the village?” Link available here: <redacted>*

- *The claim that discussion about the <organisation> was made “without giving the <organisation> trustees the opportunity to respond” was rejected as a <organisation> trustee was sitting at the table. It was highlighted that this directly contradicts issue 3 of the complaint made by <individual 1> & <individual 2>, even though <individual 2> is a trustee of the organisation which produced this complaint*
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2. The minutes of the October meeting approved at the November community council meeting do not accurately represent the discussion which took place. Members of the public present at the meeting have vouched for this, and a similar confirmation came from <another individual> who noted in an email to our <contractor> that <organisation> were accused of being disingenuous and spreading false rumours at the BCC meeting in October. These accusations were not included in the minutes. Additionally, we are aware these were passed at the November meeting without the opportunity for those present at the October meeting to object.

Allegation: rules broken by not allowing discussion before passing minutes.

Comments made by community council during discussion:

- *Barr CC follows scheme which lists who gets minutes. Incorrect information had been provided by previous Link Officer to <organisation> stating that members of public should receive draft minutes.*
- *The minutes were passed following the Scheme. Only one dissension was recorded by the community councillor who is also a trustee of the <organisation>, a conflict of interest which had been recorded previously.*
- *It was reiterated that meetings are being held in an atmosphere of intimidation, highlighting the extended public attendance at both November and January meetings.*

Extract of email from former link officer giving incorrect information

“2 members of the public, present at the October meeting, were also present at the November meeting. They did not receive a copy of the Minutes from the October meeting and were not consulted for accuracy of the Minutes. As they were not in receipt of a copy of the draft Minutes at any point they were not in a position to make any comment.”

3. At <event>, the chairperson of the Community Council was witnessed by several individuals introducing himself as the chairperson (while the community council were under suspension) and publicly accusing <organisation> of raising a formal complaint to South Ayrshire Council against the Community Council, effectively leading to the suspension of BCC. Please note, no such complaint was made by <organisation>. Further comments were made against the <organisation> in the capacity of chairperson of Barr Community Council, rather than as an individual of the community. It is his right to comment against the project as a member of the community, but not as the chair of the community council. We have attached an email from a member of the community who bore witness to these actions and contacted the <organisation> of their own volition following the <event>.

As per your own web page, we expect Barr Community Council to take “positive steps to ascertain the views of the wider community within their area, before making representations on any matter, on behalf of the community”. The above points raised in our complaint are the base opposite of that mandate, especially in the behaviour of the chairperson at the <event> which shows a predetermined bias against the progress of <organisation>.

<organisation> would welcome a resolution to this complaint first and foremost through discussion of the above points to include an explanation of the language used and accusations made against <organisation> in the October meeting, and an account of the chairperson’s behaviour at <event>. However, if this discussion does not resolve our concerns, we would like for these points to be formally investigated under the procedure for complaints against community councils in an unbiased and fair way, and for all findings to be relayed to us.

This complaint is made in good faith and without prejudice.

We look forward to your response.

Issue: Chair was making inappropriate comments at <event>, Chair biased

Comments made by community council during discussion:

- Issue handled by vice chair.*
- Email from community member was noted as husband of <organisation> trustee and not an unbiased actor.*

Views of chair as subject of complaint:

- I was very careful to point out that I was the chair of the suspended CC. I was also careful to not reveal who made the complaint. More concretely, I never stated that anything I said was endorsed by the CC.*
- I may have made a statement that I believed the process which led to suspension did not follow the Scheme. I made the comment that complaints being made show serious discordance within the village may reflect badly on a possible CAT.*
- I consider the content of the email potentially libellous and surrender none of my rights for this complaints process.*

Votes:

Issue 1: Was conduct in both Oct and Nov meeting inappropriate?

No: 6

Abstain: 1 (as not present)

Yes: 0

Issue 2: Minutes are distributed and discussed correctly?

Agree: 7

Abstain: 0

Disagree: 0

Issue 3: Chair inappropriately represented CC view while suspended

All agreed that complaint has not merit

Full complaint without comment

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2. The minutes of the October meeting approved at the November community council meeting do not accurately represent the discussion which took place. Members of the public present at the meeting have vouched for this, and a similar confirmation came from <another individual> who noted in an email to our <contractor> that <organisation> were accused of being disingenuous and spreading false rumours at the BCC meeting in October. These accusations were not included in the minutes. Additionally, we are aware these were passed at the November meeting without the opportunity for those present at the October meeting to object.
3. At <community event>, the chairperson of the Community Council was witnessed by several individuals introducing himself as the chairperson (while the community council were under suspension) and publicly accusing <organisation> of raising a formal complaint to South Ayrshire Council against the Community Council, effectively leading to the suspension of BCC. Please note, no such complaint was made by <organisation>. Further comments were made against the <organisation> in the capacity of chairperson of Barr Community Council, rather than as an individual of the community. It is his right to comment against the project as a member of the community, but not as the chair of the community council. We have attached an email from a member of the community who bore witness to these actions and contacted the <organisation> of their own volition following the <event>.

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