

Comments on Investigation Report

2

2.1 The actual wording of the complaint has never been given to councilor Stubley although it has been requested several times. We therefore cannot state if the investigating officer has miss interpreted in any way what is said to be the complaint. To this end Cllr. Stubley is working in the dark. We would still like to se the wording or the monitoring officers note of what was said at the time of the complaint. We believe that this action of failing to give the actual complaint is against Natural Justice.

5 Findings

5.1 The finding is misconceived. Cllr Stubley has a duty to be honest and fair with all persons that she deals with. If someone does something then it is open for Cllr Stubley to bring this to the attention of interested parties providing that the information is correct. The information given in this case was correct and the action of the officer was hostile and rude. Cllr Stubley has made a complaint to the Monitoring Officer about the officer's behaviour and to date there has been no action on this matter.

Cllr. Stubley would point out the following which is the direction from the Local Government association

“As a local councillor, your residents will expect you to:

- respond to their queries and investigate their concerns (casework)
- communicate council decisions that affect them
- know your patch and be aware of any problems
- know and work with representatives of local organisations, interest groups and businesses
- represent their views at council meetings
- lead local campaigns on their behalf.”

This is exactly what Cllr Stubley did.

The reference to Cllr Stubley e mail

'Officer 1 I am not being rude but I do not need yours or anyone elses permission to have the facts checked out by an outside source.'

This was in response to an e mail from Officer 1 to Cllr Stubley, which has not been provided in this investigation and has been asked for. Until this e mail is provided then the decision of the investigating officer over this matter must be suspect.

It is not accepted that any of the other comments are disparaging in any way but merely a statement of the facts in an honest and truthful way.

The below comment was made to me by the local Member of Parliament which were re-laid by me so as to advise what our local MP thought.

“her....If she had been doing her job correctly the Council could have saved a great deal of money”

5.12 The finding is factually wrong. The community is not divided as could be seen by a meeting on the 8thFeb 2017 where 180 people attended on the specific point of Travellers and 178 were in favour of exclusion, 1 abstained and 1 was against. Cllr Stublely would be failing in her duty as a councilor if she were not to support the vast majority decision.

5.13 The use of personal e mails cannot form any misconduct as there is no provision in the Council Constitution requiring the use only of Council equipment. At the time the Councils equipment was defective and the only way for Cllr. Stublely to communicate was by her own equipment

5.21 None of Cllr. Stubleys actions have brought the Council into disrepute. The Council has failed to properly consider PSPO order which was requested by the local community after a trigger petition was served on the Council and still refuses to implement a POSPO stating that the criteria has not been met. To date the Council has failed to state publically what the Criteria are. The investigating officer has misdirected herself as theses comments were about protection of the common and not any failing against the Equality Act 2010. It appears that the investigating officer is stating that to request a means of stopping unauthorised encampments is a breach of the Act but this cannot be the case otherwise Travellers could never be removed from property. The Equality Act protects minorities once on the land. Matters of prevention are not covered by the Act.

5.3 Cllr. Stublely believes that her communications have not been anything other than correct, honest and truthful and as such she believes that she has complied with her duties as stated by the Local Government Association.

5.32 Cllr Stublely was subjected to rude aggressive and unprofessional behaviour by an officer. This conduct had resulted in a complaint to the Monitoring Officer by Cllr. Stublely against the officer but no action seems to have been taken.

5,4 It is inconceivable that a person, including a Councilor, cannot make their own investigation by whatever means are available to investigate matters of concern to their ward. This cannot form a realistic complaint. 5.4.1 anticipated that a Councilor can receive advice from other than Council Officers as it states Police.

5.4.8 There is a vast difference between considering and agreeing with something. If there is a conflict then it is right that it is brought up in debate so that the correct answer can be found.

5.4.10 this is denied as all Councilor Stubley did was to arrange a meeting between senior Councilors' so that the local interested parties could be advised by those senior Councilors'. Decisions were made by those senior Councilors' which were explained to the meeting which was told that the relevant criteria was met and that the community could, in their opinion, carry on with the permissions already given. Apart from organizing the meeting Cllr Stubley had no more involvement other than reporting what had happened.

5.51 As already alluded to there is no requirement under the Torbay Constitution to use only the Council e mail. "Must use" is different to "should use"

5.6.1 There was not any extensive support from the officer just a comment that "This is the way we have always dealt with it" Cllr Stubley was left to communicate with her constituents that they must be more tolerant.

With regard to Cllr. Stubley comments over the course of this investigation and the comments herein Cllr. Stubley does not agree with the finding of the investigating officer. Cllr. Stubley due to this investigation now communicates with both Derek Mills and Cllr. David Thomas, two experienced Councilors, to explain anything contentious and to ask their advice.