

## Nicola Golding

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**From:** JOANNE BROWN [wwpc@redhouse100.freemove.co.uk]  
**Sent:** 10 November 2009 11:49  
**To:** Nicola Golding  
**Subject:** Code of Conduct complaint

Dear Nicola

Following out telephone conversation last week I am writing to confirm that Trevor Leggo, Secretary SALC, has advised me that the use of Working Parties to administer some Council activities is not unlawful.

I also note that Mr Hopson sent you a summary of his complaint – it is posted on his wwpc blog store, at <http://wwpcmailstore.blogspot.com>. As this information is now in the public domain please could you forward me the full copy of his appeal?

I wish to inform you that there are several inaccurate and misleading statements in his summary and have commented in italic below:

### Summary of complaint in three sentences:

s1) Cllr Hutton has failed to respect the Code's General Principles of **Accountability, Openness, Duty to Uphold the Law, and Leadership**, in consequence of which he is in breach of Article 5, which requires him to act in a manner which does not bring his office and the authority into disrepute.

*It is not clear what evidence Mr Hopson is putting forward to support his view of Cllr Hutton's performance. Presumably this will be dismissed on this basis. As I mention above the Parish Council has sought advice which confirmed that it can use of Working Parties to undertake some of the activities and is therefore not acting unlawfully. Given this no breach has occurred.*

s2) Under Cllr Hutton's chairmanship and leadership WWPC conducts much of its business in private working parties (a number of which comprise a working majority of the PC, including Chair and Deputy), which deny the press and public their right of access to debate and discussion; de facto take executive decisions; fail to keep proper records as required by law (formerly known as Committees, Working Parties were renamed under BH's chairmanship to get round this requirement).

*I have been Clerk of West Wittering Parish Council since May 1988. During this period the Council has used Working Parties, not Committees. Working Parties cannot make decisions, and do not "de facto take executive decisions" and it is noted that no evidence has been supplied to support this claim. Surely he must come up with some evidence to justify all the time and effort that is going into this process. Working Parties HAVE NOT been renamed under Mr Hutton's chairmanship,*

11/11/2009

***this statement is untrue, and Mr Hopson must be challenged to prove otherwise.***

s3) Despite complaints from electors, the press, and Councillors, which make clear that there is a public loss of confidence in and respect for WWPC and the way it conducts its affairs, Cllr Hutton has failed in his duty, using the prerogative of the Chair, to ensure that WWPC complies with democratic law AND protects the constitutional rights of electors, and has thereby brought the Parish Council into contempt and disrepute.

Can't make it shorter than this.

***As Clerk I can confirm that the Parish Council has not received any complaint whatsoever from either the press or the public regarding working parties. Mr Hopson must be challenged to produce evidence.***

***The Chairman has no "prerogative of the chair" to influence Parish Council decisions. He has 1 vote, but may be called upon to make a casting vote if necessary. The use of his casting vote has been used sparingly during his Chairmanship and has not been used in any way which brings the Council into disrepute. Mr Hopson must be challenged to provide factual evidence of this claim.***

Please could you confirm that Mr Hopson's statement will not be put before the Review Sub-Committee for decision until Mr Hopson has been asked to provide clear evidence to support the statements he has made? Based on my response you will gather that he has made misleading and inaccurate claims that cannot be substantiated.

I look forward to hearing from you with a copy of his full appeal.

Yours sincerely

J Brown Clerk

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