

## COMPLAINT DECISION NOTICE

COMPLAINT REFERENCE: COUNCILLOR MONICA DAVIES

DECISION: BREACH OF THE CODE OF CONDUCT

Re: Code of Conduct complaint against Councillor Monica Davies which alleged her actions had breached Datchet Parish Council's Code of Conduct.

### Power to determine the Complaint

1. This Code of Conduct complaint against Cllr Davies has been determined under Part 7 of the Royal Borough of Windsor and Maidenhead's Members' Code of Conduct, Appendix A.
2. I assessed the complaint under paragraph 3 of Appendix A, and considered that the criteria stated in that paragraph was met with regard to accepting the complaint. Under paragraph 4 of Appendix A, I consulted the views of Mr Gary Flather, QC, the Royal Borough's Independent Person ("the Independent Person").

### The Complaint

3. The complaint alleged that Cllr Davies had breached Datchet Parish Council's Code of Conduct in two respects which were:
  - a) **You must promote and support high standard of conduct when serving in your public post, in particular, as characterised by the above requirements, by leadership and example (paragraph (viii) of the Code).**
  - b) **You shall behave in such a way that a reasonable person would regard as respectful (paragraph (ix) of the Code)**

In my view, the complaints should apply to both these paragraphs, because of evidence provided to me in correspondence. It would therefore be unnecessarily precise to pick out phrases in that correspondence and allocate them to each of those paragraphs.

### Analysis

4. A dispute arose with regard to the Datchet Village Hall Management Committee and Datchet Recreation Centre Charitable Trust. Cllr Davies had sent a number of emails accusing the Chairman, one of the complainants, and others, of breaches of Charity Law. A working party was set up, and their recommendations were considered at a monthly meeting on 12<sup>th</sup> June 2017. Following this meeting, Cllr Kate Fitzgerald sent an email urging Councillors to 'leave personal hostility at the front door' in an attempt to placate the situation; however Cllr Davies sent two very long emails dated 14<sup>th</sup> and 17<sup>th</sup> June to all Councillors using a didactic style, making yet more unfounded accusations against fellow councillors that had no corroboration or support. Her emails were written in an obviously insulting and hostile manner. Her defence was that she has told 'the brutal truth all be it distasteful'. However, it was open to Cllr Davies to have contacted the Charity Commission to get advice, or even ask them to intervene if necessary, not to send abusive and unprofessional emails to her fellow

Councillors making accusations against them and consequently damaging the standing of the Datchet Recreation Centre Charitable Trust. There is no corroboration or independent evidence to support these accusations and not something I am expected or able to investigate. I consider her emails diametrically opposed to promoting and supporting a high standard of conduct as well as far from behaving in a way which a reasonable person would regard as respectful to her fellow Members.

**Decision: I consider that Cllr Monica Davies acted in breach of this paragraphs (viii) and (ix) of Datchet Parish Council's Code of Conduct.**

#### **5. Notification of Decision**

My decision has been sent to Cllr Davies and will be published on Datchet Parish Council's webpage for a period of 24 months (or when Cllr Davies is no longer a Member of the Council, if earlier).

Under Part 7 Appendix 4 arrangements for dealing with breaches of the Code of Conduct there is no further right of appeal to the Council and my decision as Monitoring Officer is final.

A handwritten signature in black ink, appearing to read 'Mary Kilner', with a long horizontal stroke extending from the end of the name.

**Mary Kilner**  
**Monitoring Officer, Head of Law and Governance**  
**Royal Borough of Windsor and Maidenhead**  
**December 2017**