

Simon Copley

From: Cllr Luke Ives
Sent: 08 December 2016 23:16
To: Anthony Winship
Cc: Janet Waggott
Subject: Formal Complaint

Dear Mr Winship

I wish to make a formal complaint against Cllr Raper for casting two votes on the amendment to refer the timetabling of meetings to the Scrutiny Committee by using Cllr Cussons' voting device.

Such a course of action subverted democracy, breached the Council's Constitution and violated the Local Government Act 1972 (as amended).

In addition, I assert that Cllr Raper's behaviour fell short of the ethical standards required in the Council's Code of Conduct, including the following Nolan Principles: selflessness, integrity, openness, honesty, and leadership.

I consider the issue to be extremely serious, and I hope that you will conduct an investigation as a matter of urgency.

Yours sincerely

Cllr Luke Ives

Ryedale District Council | Ryedale House | Old Malton Road | Malton | YO17 7HH

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Transcript from Full Council on 8 December 2016

CX - Cllr Raper, did you vote for Cllr Cussons? (noises no mic used) but you did vote for somebody else, that's wrong we'll have to take that vote again.

Clark - More important than taking that vote again, it's totally unacceptable behaviour in the Council and on that basis I would like to move that for the next meeting Cllr Raper is not allowed to vote at all and if he doesn't accept that motion then he can justify what he's done tonight. It's called cheating.

Chairman - Hang on - let's go to the vote again (think it's Janet in the background saying "We'll do that first and then.....")

Clark - You can't do that Chair - have I got a seconder for that?

Ives - I can imagine you'll have requisitions for extraordinary meetings on this cos it's going to cause absolute uproar if we take the vote again after what was tampering with the vote it's fraudulent. You saw the hell that was caused at the Planning Cttee when the vote was changed let alone voting for another member. This could be huge, I ask the Council...

CX - We are going to deal with the issue that has been raised. We are going to deal with that. We are just trying to manage the business and remember where we are in terms of getting that vote and then we can address what has been proposed.

Clark - I have moved that Cllr Raper as a matter of urgency is not allowed to vote at the next meeting.

Winship - The position is that the Chairman has made a decision to go to the vote. There has been a problem with the vote, so the Chairman has asked for the vote to be taken again. The Chairman has the power as the Chairman of the Council to do that. If any member wishes to make a complaint about another member's conduct there is a procedure for doing that. The procedure is that a written complaint is sent to the Monitoring Officer so Chairman I think you're fully within your right as the Chairman of the Council to go to the vote on this matter.

Clark - I am not prepared to take a vote in this Council, whilst somebody who's blatantly cheated or any other sort of cheated in front of everybody here and you haven't suspended him, slung him out, done whatever else is necessary. Of course you can take the vote again but not while he is here. That as far as I'm concerned is totally unacceptable and it overrules all legal niceties that the Chairman has called for the vote and we will do it again. That is blatant cheating, blatant abuse of democracy and the rest and on that basis will you please evict him. It says somewhere in your standing orders and I can't remember the number, that you can ask a member to leave and leave forthwith and you can do that and get rid of him. Then anybody who wants to can go through the Standards Cttee process. As of now he should be told by you Chair or by Full Council to leave now.

Chairman - Cllr Clark I am going to take the solicitor's advice, I wish the vote to be taken on the substantive motion. Please take the vote.

Clark - Chair if you do that I will move a motion of no confidence in you immediately after you have taken that vote. Please don't do it that was a complete breaking of every piece of local government legislation going.

2/1/2017

Chairman - On further discussion I do think that Cllr Raper in the circumstances it would be best if you didn't vote on the amendment and we need to take that again so if you could withdraw from the meeting or withdraw from voting anyway.

Appendix C

subject	startDateTi	id	number	stopDateTi	voting_Id
Table of Mtg	#####	10-38a2	1	#####	0

result_Id	voting_Id
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legend	voted_Text	result_Id
Voted	25	0

legend	notvoted_Text	result_Id
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FOR	13	0

legend	no_Text	result_Id
AGAINST	12	0

legend	abstain_Text	result_Id
ABSTAIN	0	0

legend	dnpv_Text	result_Id
DNPV	0	0

participant	result_Id
0	0

name	cast_Text	participants_Id
BC		0
CL		0
HS		0
CHAIRMAN	FOR	0
ACOMB	AGAINST	0
ANDREWS	AGAINST	0
ANDREWS	AGAINST	0
ARNOLD S	FOR	0
ARNOLD V	FOR	0
BAILEY	AGAINST	0
BURR	AGAINST	0
CLARK	AGAINST	0
CLEARY	FOR	0
COWLING	FOR	0
CUSSONS	FOR	0
DUNCAN	AGAINST	0
FRANK		0
GOODRICK	AGAINST	0
IVES	AGAINST	0

JAINU-DEE FOR 0
 JOWITT AGAINST 0
 KEAL FOR 0
 OXLEY FOR 0
 POTTER AGAINST 0
 RAPER FOR 0
 SHIELDS FOR 0
 THORNTON AGAINST 0
 WAINWRIGHT FOR 0
 WINDRESS FOR 0

subject	startDateTi id	number	stopDateTi	voting_Id
Tble of Mtg	#####	Oct-38	1 #####	0

result_Id	voting_Id
0	0

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Present	19	0

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Voted	18	0

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Not voted	1	0

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FOR	10	0

legend	no_Text	result_Id
AGAINST	7	0

legend	abstain_Te	result_Id
ABSTAIN	1	0

legend	dnpv_Text	result_Id
DNPV	0	0

participant	result_Id
0	0

name	cast_Text	participants_Id
BC		0
CL		0
HS		0
CHAIRMAN FOR		0
ACOMB		0
ANDREWS AGAINST		0
ANDREWS AGAINST		0
ARNOLD S FOR		0
ARNOLD V FOR		0
BAILEY FOR		0
BURR		0
CLARK AGAINST		0
CLEARY FOR		0
COWLING FOR		0
CUSSONS AGAINST		0
DUNCAN AGAINST		0
FRANK		0
GOODRICK ABSTAIN		0
IVES AGAINST		0

JAINU-DEEN		0
JOWITT	AGAINST	0
KEAL	FOR	0
OXLEY		0
POTTER		0
RAPER	FOR	0
SHIELDS		0
THORNTON		0
WAINWRIG	FOR	0
WINDRESS	FOR	0

Appendix D

Summary note of a conversation held on 13 January 2017 between Simon Copley, Democratic Services Manager (investigator) and Cllr David Cussons

- *Owing to the lateness of the meeting on 8 December 2016, Cllr Cussons had to leave before the end.*
- *Cllr Cussons did not ask Cllr Raper to cast his vote in his absence.*
- *Cllr Cussons had already left the room before the vote on Cllr Keal's amendment took place.*

Simon Copley

From: Cllr John Raper
Sent: 23 January 2017 17:06
To: Simon Copley
Subject: Voting review.

Hello Simon, thank you for the conversation.

I accept your evidence without question. I have no further information to add. I accept that I did something wrong on the spur of the moment.
Kind regards.

John R.

