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From: **Ian Hodgetts** <ian@theruberslaw.co.uk>

Date: 11 May 2015 at 17:41

Subject: Formal complaint in regards to Council conduct

To: complaints@argyll-bute.gov.uk, "Walsh, Dick" <Dick.Walsh@argyll-bute.gov.uk>, Len.Scoullar@argyll-bute.gov.uk

FAO Complaints Department - please can you address the email below. It is addressed to the two Councillors directly, but would request that this is dealt with following formal complaints handling processes.

Dear Cllr Walsh and Cllr Scoullar,

FORMAL COMPLAINT - AN OPEN LETTER

I am contacting you both in regards to the conduct that I observed in person at the meeting in Kilmory on 17th February 2015 and also implicated it in this matter are potential issues that colluded prior to this, based on how the meeting unfolded on the day and the behaviour of yourself and others present at the meeting. This matter is to be considered as a formal complaint and I would like it to be addressed following the Council's formal complaints handling procedures.

You may wonder why it has taken me so long to write this complaint and this is due to not only my complete dismay and shock at what I saw in the meeting but also to allow for other complaints and issues to be dealt with and responded too. Also, since the decision was made I have not seen a satisfactory explanation in regards to the concerns that I have. I feel it is important that the Council are fully accountable for the processes followed at the meeting in question.

This meeting occurred as a direct result of Cllr Breslin's call for a Special Council Meeting which itself was deemed in order or the meeting could not have gone ahead. In fact, it was upon receipt of this that the Council then instructed and arranged for the meeting to happen in February.

Once the meeting got underway, there was then the item that was Cllr Breslin's proposal. As a first time visitor to observe an open Council meeting I was, as were several other members of the public, completely appalled at the conduct that was witnessed from this point on.

Whilst Cllr Breslin read out the content of his proposal, The Provost, Cllr Scoullar, and other members of your Administration, especially Cllr Mulvaney and Cllr E Morton, were openly laughing and sneering. What exacerbated this concern even further is that there were members of the press and public present on the day. At this moment in time the only words I can use to describe the conduct

I observed are a 'witch hunt' that would actually make all Houses of Parliament antics look mature.

Is such practice and culture standard within the Council and is the sort of treatment that a Cllr should expect when they are operating proactively in the vested interests of their own Ward?

Once the laughing and sneering had died down, the Cllr Mulvaney, whom just happened to be sitting near to Cllr Walsh at this time. Purely a coincidence you may say, but it was quite convenient for you and these people to be able to get your heads together, have quiet banter and share papers between you – such behaviour was all observed by myself and other members of the public.

Whilst Cllr Mulvaney read out his opposition to the CRTB, the content of this was actually extremely misinformed, biased and based on misconceptions that contradicted support from HIE, The National Lottery, Scottish Government, MSPs and even the First Minister. Within this biased delivery there were also total fabrications about SCCDC not even entering or attempting negotiations with the Council.

As a member of SCCDC, and one of the Directors, I have been privy to emails that can prove that Dick Walsh as Council Leader and the Council Officers did not even reply to emails or even quantify the changes in the Business Plan. It was the Council that steadfastly refused to enter any discourse that provided clarity on the issues you had with the Business Plan and refused to participate in any meetings to allow us time to actually comprehend this decision from December 18th, this was done via either very limited replies that held no actual contextual meaning and usefulness for the Business Plan and Cllr Walsh would never explain or be able to give definition to how you can make the plan "bigger and bolder". As a professional linguist by trade, this stance and inability to quantify vague and opaque statements are not only totally unacceptable but hugely patronising of your local electorate and all the respected national bodies and politicians that gave their support to Castle Toward and its ambitious, yet approved, plans.

I would like to know where the facts were derived from for this please? They were inaccurate and served only to thwart the CRTB; they do not represent the complete picture and make a mockery of the Council and democracy in action. Emails and formal records are expected for you to support and justify this response.

As if openly stating inaccuracies at an open Council meeting wasn't bad enough, the Legal staff then went on to pick apart the content of Cllr Breslin's amendment. On a very minor technicality the suggestion from Cllr Breslin was then declared 'incompetent'. As this was being read out the Provost, various members of your administration and Cllr Walsh, all were openly smirking and had very smug satisfied expressions on your faces. This fuels my suspicions,

which others present also have, that this was a blatant example of collusion in advance that meant this whole meeting was set up with the intention of making the SCCDC Castle Toward project become dead in the water.

The above paragraph must be also read in parallel reference to the allegations made on Common Space in regards to Cllr Walsh and a Senior Council Officer colluded and contrived to delay and obstruct the project. Regardless of the anonymous claims made here, each of these statements were confirmed by the actions of all those present in this meeting that were nothing short of colluded celebrations with a vindictive and wholly unprofessional splattering of laughing directly in people's faces.

The questions I would like answered in regard to this issue are:

What procedures, policies and or protocol were followed when Cllr Breslin's motion was accepted?

At the time of accepting them, why was it not identified as being 'incompetent' at that time? Who processed and accepted this motion? Again, supporting evidence is required to ensure that all policies, procedures and such were met satisfactorily.

Based on how things occurred during this meeting it seems to me, and many others, that the Council have knowingly allowed something that was 'incompetent' to then form part of a public meeting and that also has huge cost implications for a Council that is facing gaps of £37.5m in the next coming year. Also, following the fact that an 'incompetent motion' was accepted – if this is standard practice then in theory anyone can propose anything incompetent and it should lead to a full meeting, just as was chosen to do with this one. This meeting is actual evidence of this being allowed to happen in practice and also had many witnesses.

Cllr Breslin formally requested at the meeting that he made the minor amendments that were needed. At this point you all literally laughed in his face and he was completely dismissed. I would like formal evidence, both procedural and via clear examples, when you can confirm that it is not accepted to allow ANY amendments to such motions, so that I can be assured that this was, and is, standard practice.

At this moment in time, I am therefore declaring that the incompetence that occurred at this meeting was actually on the part of the Council employees that accepted and processed Cllr Breslin's motion, and all that were privy the decision that it was incompetent in advance of the meeting. To accept a motion and to then declare it incompetent smacks of collusion and an intent to make this matter fail in a public and most unprofessional way.

I am also requesting to see exactly what Council procedures; policies and/or protocols were used in the preparation of this meeting and the accepting of motions for the meeting. In particular I would like to have references to how the accepting of this motion met all formalities correctly and falls within standard practice.

Unless you can satisfactorily prove that the accepting of an incompetent motion is standard practice and acceptable, then I will be left of the opinion that the actions of the Council, under Cllr Walsh's Leadership, were incompetent. This would then mean that the meeting itself should be declared incompetent and the whole situation and decisions needs to be reviewed.

To confirm that the above is formally requested to be dealt with under the formal Council Complaint Handling Processes and Procedures and to be formally investigated as such. As I have sadly seen with other concerns and complaints since February 17th, I don't want to have a rhetorical email that dismisses this complaint whilst endlessly reiterating just how good the council are. This practice not only patronises your very own electorate but also is an unhealthy habit that the Council are very well versed in. One only has to see the replies to SCCDC Chair and other members of my local community to confirm the Council's inability to respond to questions or dismiss them without formal independent investigation. What do you have to hide here? You are all elected in post to serve the public and we all have a right to know such things.

It is deeply sad to live in an area that seems to be subject to so much criticism and allegations on a consistent basis. However, given my experiences of during this process I can see why the Leadership and certain members of the Administration are under so much scrutiny on an almost constant and continual basis. You only have to visit the ForArgyll website to see a barrage of allegations of corruption, bullying and a culture of fear within the Council. This is indicative of a long-term problem for all the residents of Argyll & Bute, especially those that are striving to improve their local communities by innovative projects like SCCDC. "Anonymity of allegations" cannot be used in a defence in this case, as I am bold enough to put a name to my claims, unlike many others that either can't now or haven't historically, due to fear of consequences. This is indicative of the culture in a Council lead by Mr Walsh.

I truly feel sorry for all the genuine employees of Argyll and Bute Council that are tarred with the same brush by such allegations. I value and respect all of those that support public services by working for them. However, I do not support the present rhetoric or conduct that is being seen at first hand by a few people that are clearly operating in an autocratic way and consistently refuse to be accountable to open questions from those that they are in place to serve.

To reinforce, I am expecting clear answers on each of the questions raised in this letter. I have underlined each of them and would like for them to be responded to in the order that they have been presented, so that the responses can be read and audited in the time line of the meeting and sequence of very unfortunate events.

Furthermore this letter is an open letter that will be shared with all relevant people in the Council, social media platforms, sent to the media and newspapers and also to Audit Scotland and those within the Scottish Parliament.

If you could confirm receipt of this letter and that the commencement of formal processes in regards to a formal complaint.

Look forward to a reply at your earliest and in line with the Complaints

Yours sincerely,

Ian Hodgetts

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