

BOROUGH COUNCIL OF KINGS LYNN AND WEST NORFOLK

MONITORING OFFICER INITIAL ASSESSMENT

DECISION NOTICE

SUBJECT MEMBER: Councillor Colin Rose, Upwell and Delph Ward	COMPLAINANT: Mr Roger Giles
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ALLEGATIONS	<p>I would like to raise concerns regarding Borough Councillor Colin Rose, specifically his actions related to the William Marshall Centre and the information provided to Welney Parish Council.</p> <p>My allegations are as follows:</p> <ol style="list-style-type: none">1. False Information Regarding Building Safety: Councillor Rose provided false information to the Welney Parish Council, claiming that Borough Planning Officers (CNC & LABC) had given him assurances that the William Marshall Centre building was safe and fit for purpose. This was misleadingly presented to the council, as reflected in the Welney Parish Council March 2022 Community Minutes.2. Misrepresentation of CPS Ruling: In 2021, Councillor Rose sent an email to the Parish Council stating that the CPS had ruled against me. However, after contacting DI Skues, who heads that department (THAT DEALS WITH IMPRINT VIOLATIONS), this claim was debunked. Additionally, the police ACRO record confirms that no ruling was made against me. Councillor Rose has since stated that he will search for communications from DI Skues, as noted in the Welney Parish Council minutes from April 4, 2023.3. Threats and Misconduct: Councillor Rose emailed the Clerk, stating that he had given me until August 7, 2019, to resign to avoid a heavy fine, claiming I had joined the council illegally. [REDACTED], on July 4, 2019 sent concerns which were sent to Clerk [REDACTED]. The Clerk wrote a memo, circulated to all councillors, indicating she would respond to NALC concerning the building regulations issue. In a subsequent email, the Clerk mentioned she would be contacting a solicitor the following Monday. Councillor Rose then sent a "CONFIDENTIAL" email to the Clerk, in which he stated that she was "legally dispensable." This language made the Clerk feel threatened, and although it was a personal email, she sought advice from NALC and circulated the email to all councillors.4. Concerns About the William Marshall Centre: Before I became ill in 2021, during which I was hospitalised for extended periods, I briefly served as the Chair/Temporary Chair of Welney Parish Council. Due to my knowledge of the council and the charity's independent construction engineer's report by Tony Lovell (AGL), dated October 23, 2020, I am aware that the William Marshall Centre building's foundations were found to be below the standard required for even a temporary building. This was corroborated by a complaint from [REDACTED] regarding Assent Building Control, the body that signed off on the building. The report was referred to Construction Industry Council Approved Inspectors Register (CICAIR), which overturned the decision of their licensed building inspector, Assent, on the safety, conformity with building regulations, and overall worthiness of the structure. Council Approved Inspectors Register (CICAIR) also advised that the Parish Council should seek professional advice on this matter. <p>Given the above points, I urge the relevant authorities to thoroughly investigate Councillor Rose's actions and the handling of the William Marshall Centre's safety and compliance issues. It is crucial that accurate information is provided to the Parish Council to ensure the safety and well-being of the community. Over a period of 12 months I sent numerous emails to the council on these matters not at any time did they enter into discussion they either shredded them or just ignored them and finally when they could not answer my questions they labelled me a</p>
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	<p>vexatious complainer.</p> <p>I feel I must involve the whole parish council in this respect, I sent out the names of the relevant officers of CNC and LABC that had debunked councillor Rose's inference that he had consulted them. Refer to minutes February 7th 2023 (Public Forum) the parish council/trustees Quote <i>"that the WMC Trustees had discussed the matter and found no reason to believe the accusations made by this parishioner (MYSELF)."</i></p>
RELEVANT PARTS OF THE CODE OF CONDUCT	The Council's Code of Conduct for Members contains the following principles:
SUBJECT MEMBER RESPONSE	<p>Email received 20/08/2024</p> <p>Roger Giles and his previous Cllr clique have been trying to get something against me and accused me of lying about such things as Modular being a recent building method and not being in the Building regs. A response supplied by [REDACTED] of LABC enforcement was obtained but they chose to not read it. Roger Giles is now more focused on [REDACTED]. I am surprised this is the first complaint you have had as RG has been a permanent problem at meetings of the WPC. You might like to start by looking at my earlier emails that explain what had been going on to keep the Village Hall closed and the concealment of information in May by RG and/or others from the rest of the WPC which Came & Co. supplied to me in October of that year requesting info. from a competent person to obtain insurance – which I had supplied in one email. I again, at the request of the then Chair, [REDACTED], set up a meeting with MRC to have the jacks adjusted although I had obtained fall back suppliers. Roger as Chair had failed to control solicitors during a proposed case against MRC and wasted a lot of public money which I feel he should pay back, so does the community I have heard.</p> <p>The building had been constructed in 2016 and those that had been running the vendetta against other Cllrs are alleged to have been removed from the WPC task group at the time with rumours of a back-hander shed one was attempting to obtain from MRC. The original contract could not be found and it is most likely that there would have been a required maintenance contract to ensure that without an £80k foundation, which they could not afford at the time, adjustments would be likely due to settlement. Roger and his ilk wanted MRC 6 years later to lift building off its jacks and supply a new foundation and engaged a consultant. When a previous chair asked for ?s to this engineer he considered mine about wind loading not a concern: on a light weight structure raised on jacks; he would have been laughed out of court as an expert witness. I have seen the original supplied calculations which were properly done by MRC's engineer. I submit that what they were trying to do was not only unreasonable but stopped the community from using the building they had paid for.</p> <p>Recently Roger Giles has brought up something which he committed and I had advised him to resign about but until the matter became public, by his friend [REDACTED] who acts like a puppet master, I could not divulge who it was but had mentioned, it is alleged, to a WPC clerk that one of her cllrs had breached S110 of the RPA 1983 in not having an imprint on his election leaflet. This appears to have used this an excuse to resign but who was acting more like the chair anyway, certainly should not have discussed confidential matters. I have to assume that as I had been supplied Physical evidence, sent to SPOC (actually in Suffolk - DI Estelle Skues,) the CPS had decided not to prosecute <i>"as not in the public interest"</i> (how many times have I seen this...) so he got off on the technicality of not mentioning he was a candidate. Roger Giles has actually got this round the wrong way and claims I have stated the reverse. All I have stated is that the case was dropped on a technicality assumedly by the CPS. As I was told the matter would not be pursued and it was after the 6 month period.</p>

Roger Giles sees himself as a whistle blower but fails to publicise the amount of public money he and his associates wasted on two Solicitors who were obviously needing work during Covid. Plus the rather questionable consultant engineer.

Second email received 20/08/2024

Both myself [REDACTED] are fed up with this complainant who has always failed to produce the documents to back up his claims, nor been properly prepared to read emails, comprehend them or stop repeating the same old thing over and over for nearly three years. There are a lot of complaints that could be levelled at him about wasted public money due to lack of due diligence. He has been threatening to put this complaint in for years, perhaps he hopes we will all have forgotten the facts. It is obvious someone else has written this for him who does not know the exact details and probably is a close associate.

My stance is let him produce the evidence he claims to have to substantiate his complaint or withdraw as I came very close to warning him about Slander and Libel or simply deformation of Character a long time ago but then you cannot get water from a stone.

In the meantime let us look at this complaint and the fact that as aforementioned all these points have been gone over many times at WPC when they should have been presented to the Village Hall Cmt.

However, the bit about the clerk is new and again I would simply request you provide written proof as he claims to have such many times. He has also complained about the Police so I wrote to him explaining the 1969 Theft Act and why the Police could not recover all the possible £20k that the Clerk may have embezzled and who was not prosecuted as she had given £8k back and the hardest efforts of two Cllrs could not prove more than £8K.

There could well be something in the then Chair being too trusting. As when [REDACTED] was Chair he requested I look at some paperwork as he suspected fraud had taken place, I was the UKIP rep. at the time but [REDACTED] knew I had served, and we both have a common other interest. I agreed with his suspicions.

1. If Roger had listened or read emails it would be quite clear that in my professional capacity I often call on LABC. In this instance it should have been understood that I went to discuss repairs to Three Holes Village Hall roof and lodged my plans with the duty Officer with no pre booking. The WMC was discussed with him and although I cannot recall his name the plans will still be there awaiting a full LABC application. (I had also discussed the WMC with Stuart Ashworth who stated the BC could do nothing after 2 years). You do not normally do this with CNC directors so why contact them. If you do not realise this enough to contact such they will obviously not know anything. Not only do you need to ask the right ?s but to the right person.
2. I have already covered this this a.m. before reading this nonsense. If he has a copy that is at variance let me see it. He was obviously in my opinion let off by the CPS who would "*have ruled against him being prosecuted*", as he had a copy. There were actually 2 emails about this point, let him produce them. SPOC simply stated to me no further action would be taken, this suggest CPS had brought this to be.
3. On visiting Roger at his home about [REDACTED] complaints about him I had advised that he could face an unlimited fine for a breach of S110 RPA '83 which is not a threat but a statement of fact. The gentlemanly thing to do would be to resign if it were me. I notice he does not state I got him off a complaint of [REDACTED] as I found no evidence to support the accusation. He also told me that Lloyds bank had cheated him out of £[REDACTED]. I am a shareholder. He failed to get any compensation. I could not help him with this. As someone (at the time not named) how could this legality bit hold water, inadvisable to

	<p>maintain standards yes, and if he was to be proven to have committed a criminal offence he would not be able to hold public Office. All statements of fact. As to the time limit I had not immediately sent off the evidence in the hope that I could avoid doing so but can I see anything that bears his name please to the Public until [REDACTED] told everyone who was the suspect, publicly. The rest of this suggests wrongdoing by the Clerk who should not have betrayed a confidence. I fail to comprehend the context of the “legally dispensable” bit as we all fit within this category – how can it instil fear? Again let’s see the written evidence so as to get this in context. Most of their Clerks were not SILCA qualified until I introduced [REDACTED] who suffered bullying from [REDACTED] and [REDACTED], left and returned after they left. [REDACTED] you allegedly let off from a complaint? You might like to discuss sheds with him, I’ll say no more.</p> <p>4. I have already dealt with this. For your info both [REDACTED], RG and another Chair [REDACTED] were involved with trying to sue MRC and get about £80k of free foundations which they could not afford in the first place. Meanwhile they all lied about it not conforming with BREGS whilst all needed was an adjustment of the jacks to counter settlement. The [REDACTED] chair had me join the Village Hall committee and complained to Came and Co. using his brother’s name and kept most members in the dark as to what was going on. He claimed that the Modular building did not comply with BREgs like the others. One question to which I have given the answer is how can it as it does not appear therein, nor do Portacabins as [REDACTED] of CNC replied to me to show [REDACTED] and RG and requested they do not contact him again. I have a copy of the BREgs but you can get free access online but ensure you get the correct dates as they may have gone in last September.</p> <p>If you really need any further info let me know but I respectfully request you seek evidence first. Enough time of the WPC and myself has been wasted by members of this clique who care nought about the Nolan principles. You might like to ask RG if he would be kind enough to repay the public money he wasted on the 2 Solicitors and write a public apology for trying to keep the WMC closed from the community. Most schools have modular classrooms; do you consider them dangerous?</p> <p>One small point about BIs: those that know their area well do not always insist on soil samples and as the Structure was designed for 100KNm squared and the ground averages more I can see no problem for such a light structure but conversely to ignore wind loading and uplift is folly. Their consultant considered them not important...?</p> <p>RG has also accused me of having undue influence on the WMC trustees/WPC so why has he dropped this erroneous charge as all I do now for them is traffic duty for the last 3 years at their gala and attendance is going up year on year as we saw last Saturday, because they are now a dedicated and effective team I am happy to assist as BCllr or pro bono construction advisor.</p>
INDEPENDENT PERSON ASSESSMENT	<p>The only allegation that possibly falls within the scope of the code of conduct is the threats and we would need to see the emails to form an opinion on these.</p> <p><i>[following provision of emails]</i></p> <p>I’m a little baffled as this is not the email made reference to in the original complaint which said there was a threat made! There is no evidence of a threat in this so no breach as far as I’m concerned.</p>
MONITORING OFFICER ASSESSMENT	<p>On 6 September the Council asked the complainant to provide “copies of the emails referred to in your complaint”. On 18 September the complainant duly provided copies of further emails. These have been taken into account.</p>

	<p>The complainant's allegations are in summary that the Councillor:</p> <ol style="list-style-type: none"> 1. made damaging misrepresentations regarding a building in the parish, the William Marshall Centre ("WMC") in early 2022. 2. made damaging misrepresentations against the complainant personally in 2021. 3. attempted to blackmail the complainant and disparaged the then clerk in 2019. <p>The Complainant further that the Council has "<i>either shredded or ignored</i>" emails from him.</p> <p>The Councillor denies the allegations and/or seeks to justify his actions.</p> <p>The complainant's underlying concern is stated to be "safety and compliance issues" concerning the WMC.</p> <p>The Councillor's responses indicate that much of the underlying dispute concerns technical issues over which it appears opinions could reasonably differ.</p> <p>On the facts presented I am not in a position to establish a breach of the Code has taken place.</p> <p>Because of the technical nature of much of the underlying dispute, and the substantial lapse of time since most of the events complained of took place, I do not consider that any further action in this matter is appropriate.</p> <p>With reference to the Complaints handling code:</p> <ul style="list-style-type: none"> • Is the matter serious enough to warrant the time and expense of further investigation? I do not consider the behaviour complained of would warrant the time and public expense of further investigation. • Does the complaint appear to be politically motivated? There is no evidence of political motivation behind this complaint. • Does the complaint appear to be malicious or vexatious? There is no evidence that this complaint is malicious or vexatious. • Is it about something that happened so long ago that there would be little benefit in taking action now? The conduct complained of is not recent enough to warrant assessment. • If proven, would a finding of breach of the Code assist the Authority in its duty to promote and maintain high standards of conduct? Yes • Had the Member acted on the advice of an officer or the Independent Person in relation to the conduct complained of? N/A • Did the conduct arise from lack of experience or training? No • Has the Member apologised for the conduct or was he or she willing to apologise? No • Is the subject matter of the complaint being dealt with through any other complaints,
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	legal or regulatory process. Not so far as the Monitoring Officer is aware.
DECISION	No further action

Date: 01 October 2024

**PLEASE NOTE THERE IS NO PROVISION FOR AN INTERNAL APPEAL OR REVIEW OF THIS
 DECISION. YOU ARE RECOMMENDED TO SEEK INDEPENDENT LEGAL ADVICE IF YOU WISH TO
 CHALLENGE THIS DECISION**