

DECISION NOTICE: NO FURTHER ACTION

Reference WC - ENQ00245

Subject Member

Cllr Matthew Dean – Salisbury City Council

Complainant

Mr Paul Nicholson

Representative of the Monitoring Officer

Mr Paul Taylor

Independent Person

Mr Tony Drew

Review Sub-Committee

Cllr Fred Westmoreland - Chairman
Cllr Gordon King
Cllr Graham Wright
Mr Michael Lockhart (non-voting)

Issue Date

1 August 2018

Complaint

The complainant made a series of allegations relating to a conversation between himself and the subject member at a meeting on 21 June 2017 which involved claims that the City Council had banned the complainant from public spaces and working for his own company.

Decision

In accordance with the approved arrangements for resolving standards complaints adopted by Council on 26 June 2012, which came into effect on 1 July 2012 and after hearing from the Independent Person, the Review Sub-Committee determined to take no further action.

Reasons for Decision

Preamble

In this instance no Initial Assessment had yet been conducted, and the review was in relation to a preliminary finding by the Deputy Monitoring Officer that the complaint had not been submitted within the necessary timescales, (being within 20 working days from when the complainant became, or ought reasonably to have become, aware of the matters giving rise to the complaint), and that there was no reason to make an exception to those timescales in this case.

The Sub-Committee therefore had to decide whether there was justification to waive the time limitation in respect of the complaint, in which case the matter would be referred to the Monitoring Officer to undertake a formal initial assessment

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, the response of the subject member, the preliminary finding of the Deputy Monitoring Officer to take no further action, and the complainant's request for a review of that finding. The Sub-Committee also considered the written representations submitted to the Review by the complainant. Neither party was in attendance.

Conclusion

Complaints on Code of Conduct matters are required to be submitted to the Monitoring Officer of Wiltshire Council. The complaint related to an incident on 21 June 2017. It was registered with the Council on 26 April 2018.

Extensive documentation had been provided which demonstrated that the complainant had been aware of the matters being complained of from the time of the incident. The question for the Sub-Committee, was therefore whether there was justification to accept the complaint despite the delay in its submission. The seriousness of the accusations was a relevant consideration.

After deliberation the Sub-Committee did not feel there was adequate justification to waive the time limit requirement for the complaint. The Salisbury City Council site was clear that Code of Conduct complaints must be submitted to Wiltshire Council, and the complainant had referenced that legal advice had been sought; no reason had been provided as to why there had been a delay of some ten months.

The Sub-Committee accepted that many of the complaints raised by the Complainant were potentially serious. However, these principally related to the City Council itself or to officers of the City Council, rather than being Code of Conduct matters. Legal recourse, as mentioned by the Complainant, may be a more appropriate way to address those concerns rather than the Code of Conduct process.

Additional Help

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