

## **DECISION NOTICE: No further action**

**Reference WC-ENQ00091**

### **Subject Member**

Councillor Simon Killane, Wiltshire Council

### **Complainant**

Mr Chris Harvey

### **Representative of the Monitoring Officer**

Mr Paul Taylor

### **Independent Person**

Mr Stuart Middleton

### **Review Sub-Committee**

Cllr Ernie Clark (Chairman)  
Cllr Glenis Ansell  
Cllr Horace Prickett  
Mr John Scragg (Non-Voting)

### **Complaint**

That Councillor Killane breached the Code of Conduct in that he failed to promote and support high standards of conduct when serving in public office in that he has failed to have regard to the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership in that between the period 15 to 18 February 2015 the subject member subjected the complainant to a very stressful and personal attack via social media and then escalated that attack to harassment and bullying of the complainant's employers, family/friends.

### **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 has decided:

To take no further action in respect of this complaint

## **Reasons for Decision**

The Sub-Committee went through the initial tests required by the local assessment criteria, and agreed with the assessment of the Deputy Monitoring Officer that the complaint related to the subject member, that they were in office at the time of the alleged incident, and were acting in their capacity as a councillor. They therefore then had to determine whether the remaining assessment criteria were met and, if so, whether the matters alleged in the complaint were, if proven, capable of breaching the Code of Conduct.

In reaching its decision the Sub-Committee relied upon the original complaint and supporting information, the response of the subject member, the initial assessment and the complainant's request for a review of the initial decision to take no further action.

Both complainant and subject member had provided lengthy submissions detailing competing allegations of poor conduct over an extended period around a number of personal and political issues that were intertwined. The Sub-Committee took the view that the actions on both sides were on the basis of the evidence clearly 'tit for tat' and therefore resolved to take no further action in accordance with paragraph 5 of the Assessment Criteria:

*A complaint will not be referred for investigation if, on the available information, it appears to be trivial, vexatious, malicious, politically motivated or 'tit for tat'.*

In any event on the evidence presented the Sub-Committee was not satisfied the behaviours listed would, if proven, be capable of breaching the Code of Conduct. It was apparent there had been considerable inflammatory commentary which involved both the complainant and the subject member and respective supporters, and the Sub-Committee accepted the view proposed by the Deputy Monitoring Officer that while the actions of the subject member may have escalated matters, these did not amount to a breach of the Code.

The Sub-Committee therefore upheld the reasoning and the initial assessment decision of the Deputy Monitoring Officer to take no further action in respect of their complaint.

The Sub-Committee was also strongly of the view that democracy in Malmesbury would be best served through some form of mediation to resolve the ongoing disputes between the parties, rather than the continued use of public resources to investigate and assess competing allegations and counter allegations.

## **Additional Help**

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