

DECISION NOTICE: Refer for Investigation

Reference WC – ENQ00198

Subject Member

Councillor Tom Rounds – Calne Town Council

Complainant

Mr Derek Warnett

Representative of the Monitoring Officer

Mr Sukdave Ghuman

Review Sub-Committee

Councillor Howard Greenman - Chairman

Councillor Ernie Clark

Councillor Brian Mathew

Independent Person

Mr Tony Drew

Decision Issued: 2 August 2017

Complaint

The complainant alleges that Councillor Rounds has abused the power of his position of Town Mayor by preventing proper and fair due process to be followed by the Council in dealing with the complainant's complaint against the Town Clerk;

He further alleges that Councillor Rounds failed to demonstrate the quality of leadership expected of his role as Town Mayor; did not having regard to the principles of objectivity, accountability and openness in dealing with the complainant's requests for his complaint to be referred to the Full Town Council and failed to promote and support high standards in public office by failing to respond to the complainant's correspondence.

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 decided to refer the complaint for investigation.

Reasons for Decision

Preamble

The Chairman led the Sub-Committee through the local assessment criteria which detailed the initial tests that should be satisfied before assessment of a complaint was commenced.

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member and that the member was in office at the time of the alleged incident and remains a member of Calne Town Council. A copy of the appropriate Code of Conduct was also supplied for the assessment.

The Sub-Committee therefore had to decide whether the alleged behaviour would, if proven, amount to a breach of that Code of Conduct. Further, if it was felt it would be a breach, was it appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint, the initial assessment of the Deputy Monitoring Officer to take no further action and the complainant's request for a review. The Sub-Committee also considered the written representation made to the Review by the complainant, who was not able to attend in person. The Sub-Committee noted that the subject member had not replied to the Deputy Monitoring Officer's invitation for him to provide a response to the complaint.

Conclusion

The Deputy Monitoring Officer had resolved that the matter was principally in relation to an item not appearing upon a council agenda at the complainant's request, being a member of the Town Council at the time of the complaint. Furthermore, as compilation of agendas was an officer function of the Council, that the Code of Conduct did not apply. Additionally, while a lack of response on such issues by the subject member would be discourteous, that it would not in itself be sufficient to amount to a breach.

The Sub-Committee noted the comments of the complainant in their request for a review of the initial assessment decision disputing the specific interpretation of their complaint, being an allegation that proper procedure had not been followed by the subject member and that this failure constituted a breach of the Code. They also noted the comments in relation to the proper procedures of the Town Council and whether or not the subject member acting in their capacity as mayor had any obligations or expectations to follow in the matter, and whether a failure to communicate or act might amount to a potential breach of the Code.

The Sub-Committee considered that there was a lack of clarity as to the procedures that should have been followed and the extent of the subject member's reasonable requirement to act, to make a decision of some measure, especially in light of his position as town mayor and the nature of the complaint. They noted that it appeared the

complainant may have been denied a review of the decision of Personnel Sub-Committee in relation to his complaint. Therefore they considered they could not dismiss the complaint in accordance with the initial assessment decision and that an investigation was necessary to establish the facts with greater certainty in order to make such a judgement, particularly in light of the lack of a response or explanation from the subject member.

Lacking that clarity, the Sub-Committee therefore further considered that with current information if the allegations made were proven, there were possible breaches under paragraphs 4 and 5 of the Code of Conduct, in addition to a failure to promote and support high standards of conduct or have sufficient regard to the principles of openness, accountability and leadership.