

## **DECISION NOTICE: NO FURTHER ACTION**

**Reference WC – ENQ00202**

**Subject Member**

Councillor Philip Matthews – Wilton Town Council

**Complainant**

Mrs Julia Hawkins

**Representative of the Monitoring Officer**

Mr Paul Taylor

**Independent Person**

Mrs Caroline Baynes

**Review Sub-Committee**

Cllr Sue Evans  
Cllr Peter Hutton - Chairman  
Cllr George Jeans

**Issue Date**

24 August 2017

**Complaint**

The complainant alleges that, since she was elected Deputy Town Mayor in April 2016, Councillor Matthews behaviour towards her has been unreasonable, disrespectful and ultimately bullying, thereby breaching the following paragraphs of Wilton Town Council's Code of Conduct:

*When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.*

- 1. He/she shall behave in such a way that a reasonable person would regard as respectful.*
- 2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.*

**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.

## 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 the alleged incidents and remains a member of Wilton 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 still appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, the response of the subject member, the initial assessment of the Deputy Monitoring Officer to refer the matter for alternate resolution and mediation, and then to refer for investigation when it was stated mediation was not accepted, and also the subject member's request for a review. The Sub-Committee also considered the verbal representation made at the Review by the subject member, as well as written submissions from the complainant, who was not in attendance.

### Conclusion

Both parties were at the time of the alleged incidents members of the town council. The allegations related to a series of incidents over an extended period where the complainant considered the subject member engaged in a pattern of disrespectful and bullying behaviour.

The Deputy Monitoring Officer in their initial assessment had noted that the matters raised were finely balanced. Taken individually he had considered that the alleged behaviour might not reflect well on the subject member but did not rise to the level of a breach, noting the objective tests as to whether a reasonable person would consider such alleged incidents as disrespectful or bullying. In the words of the Deputy Monitoring Officer, 'by the finest margins' he had considered that when considering the alleged incidents collectively they could, if proven, be capable of breaching the Code in terms of the provisions on disrespectful behaviour.

The Sub-Committee considered the submissions from both parties carefully, noting that communication and trust had clearly broken down between them over a period of time, and that the complainant felt aggrieved at the alleged treatment they received. However, noting in particular the finely balanced nature of the initial judgement, and taking into account the town council explicitly placing the test of disrespectful and/or bullying

behaviour as an objective rather than subjective test, they were not satisfied the alleged behaviours, even considered collectively, would, if proven, amount to a breach of the Code of Conduct.

Therefore, they resolved to take no further action in respect of the complaint.

The Sub-Committee further noted the initial assessment decision stating that both parties were committed to public service in the parish, and the hope that alternate resolution could conclude the matter satisfactorily for both parties. Whilst recognising that further attempts at mediation were unlikely, the Sub-Committee did not consider that the matters alleged should be resolved through the Code of Conduct process, and hoped that further discussion might resolve the difficulties between the parties.

The Sub-Committee also took the opportunity to highlight to all potential subject members and complainants that, once the complaints procedure was initiated, all matters relating to the complaint should remain confidential until a Standards Sub-Committee or the Monitoring Officer decided otherwise.

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