

DECISION NOTICE: REFER FOR INVESTIGATION

Reference WC - ENQ00265

Subject Member

Cllr Gary Mansell – Bishops Cannings Parish Council

Complainant

Miss Alison Kent

Deputy Monitoring Officer

Mr Frank Cain

Independent Person

Mrs Caroline Baynes

Review Sub-Committee

Cllr Stuart Wheeler - Chairman
Cllr Ruth Hopkinson
Cllr Paul Oatway QPM
Mr Philip Gill MBE (non-voting)
Mr Michael Lockhart (non-voting)

Issue Date

16 October 2018

Complaint

The complainant alleges that Councillor Mansell (the Subject Member) failed to properly declare a conflict of interest concerning the appointment of the new Parish Clerk, Mrs Sharon Bensi. The Complainant alleges that given the Subject Member's personal relationship with the clerk and previous business dealings with her, he should have recused himself from participating on the interview panel. The Complainant also alleges that the Subject Member ignored the parish council's financial regulations when purchasing a laptop and mobile phone for the new clerk. The Complainant also complains that he continually shouted her down and ignored advice given by her and held illegal parish council meetings.

The Complainant has alleged that in doing so the Subject Member has breached paragraphs 1,2 ,5 ,6 ,8 and 9 of the Bishops Cannings Code of Conduct.

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 refer the complaint for investigation.

Reasons for Decision

Preamble

The Sub-Committee were satisfied that the initial tests of the Assessment Criteria had been met, being that the member was and remains a member of Bishops Cannings Council, that the conduct related to their conduct as a member of that council, and that a copy of the relevant Code of Conduct provided for the assessment was in force at the relevant times.

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, whether 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 a representative of the Monitoring Officer to refer the matter for investigation, and the Subject Member's request for a review. The Sub-Committee also considered a verbal statement from the Subject Member at the review, and a written statement provided by the Complainant, who was not in attendance.

Conclusion

The complaint was centred on Three allegations; that the Subject Member had as a result of a business or personal relationship acted improperly in breach of the Code during the appointment of a new parish clerk when there was a conflict of interests, that proper advice had been ignored and the Complainant had been shouted down (and as a result illegal meetings held), and that financial procedures had not been followed.

The Sub-Committee took into account the strong representations received from both parties, and considered that in light of the seriousness of the allegations and the level of information provided for the initial assessment, that it was in the interests of both of those parties that the allegations be investigated in order to determine the facts. As had also been noted by the initial assessment, the Sub-Committee's decision to refer for investigation in no way made a determination on the veracity of the allegations, only that if those allegations were proven this would amount to a breach of the Code of Conduct.

It was therefore determined to refer the matter to the Monitoring Officer for investigation.

It had been raised by the Subject Member at the Review that the Complainant had made a reference to people at Wiltshire Council and their purported views on Facebook.

The Sub-Committee, for the sake of clarity, noted that its decisions were not affected by any alleged statements made by other members of the Authority, and secondly that any response on behalf of the Council would be an operational matter ultimately under the purview of the Cabinet and therefore outside the remit of the review sub Committee.

Additional Help

If you need additional support in relation to this or future contact with us, please let us know as soon as possible. If you have difficulty reading this notice we can make reasonable adjustments to assist you, in line with the requirements of the Equality Act 2010.

We can also help if English is not your first language.