

DECISION NOTICE: No Further Action

Reference WC – ENQ00271

Subject Member

Councillor Christopher Newbury – Wiltshire Council

Complainant

Ms Harriet James

Representative of the Monitoring Officer

Mr Sukdave Ghuman

Independent Person

Mr Tony Drew

Review Sub-Committee

Cllr Fred Westmoreland - Chairman

Cllr Peter Evans

Cllr George Jeans

Mr Richard Baxter (non-voting)

Decision Date

14 November 2018

Issue Date

26 November 2018

Complaint

The Complaint relates to the conduct of Councillor Newbury (the Subject Member) at a meeting of the Western Area Planning Committee of the Council on 25 July 2018, during consideration of a planning application for the development of land east of

Damask Way, Warminster (reference 17/12348/OUT). The Complaint is that the Subject Member:

- Did not declare that he was the Wiltshire Councillor for the part of Warminster in which the application site was situated or that he was a member of the Warminster Area Board,
- Did not give any reason for his decision not to vote on this planning application

and by so doing failed to promote high standard of conduct or demonstrate leadership, thereby being in breach of the Wiltshire Council 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 decided to take no further action.

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 Wiltshire Council, that the conduct related to their conduct as a member of that council, and that a copy of the relevant Code of Conduct was provided 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, 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 the Deputy Monitoring Officer to take no further action, and the complainant's request for a review. The Sub-Committee also considered a verbal statement from the Complainant and a written statement from Subject Member, who was not in attendance. The Sub-Committee took into account that the complainant did not agree with the summary of their complaint in the initial assessment decision notice, replicated above, clarifying instead that she had complained that the Subject Member did not declare that he was 'a' local member or a member of the Area Board, not that he did not declare that he was the councillor for 'the' part of Warminster in which the application was situated.

Conclusion

The complaint involved consideration of and voting involving a planning application which was determined by the Western Area Planning Committee, of which the Subject Member is the Chairman. The planning application was local to Warminster, a part of which the Subject Member represents, and from the papers before the Review Sub-Committee it was clear the application involved significant local interest. The Subject

Member did not vote on the application, or explain at the meeting why they were not voting.

The Deputy Monitoring Officer had concluded that there was no requirement for members of a committee to vote on any matter that is before them, nor an obligation to give reasons as to why they have not exercised their vote.

The Review Sub-Committee agreed with the reasoning of the Deputy Monitoring Officer. A collective decision was made by the Committee, with the deliberations detailed at length in the minutes. That the application in question was of some level of controversy would not confer additional obligations upon any individual member of a Committee in this specific instance, nor would a requirement to be accountable for individual decisions undermine the principle of collective responsibility when it comes to a committee vote. It was also not a Code of Conduct matter for a Chairman to explain the actions of other members at a meeting.

In her statement to the Review Sub-Committee the complainant accepted that the Subject Member was not obliged by the Code of Conduct to declare that he was an elected member for part of Warminster and a member of Warminster Area Board. Absent such an obligation, it could not be possible for the alleged behaviours not to declare to be a breach of the Code, even if it was accepted it would have been preferable.

It was therefore resolved to uphold the decision of the Deputy Monitoring Officer to take no further action in respect of the complaint.

The Sub-Committee noted, for the sake of completeness in response to representations received, that elected unitary members were not salaried but received an allowance.

Additional Help

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