

## **DECISION NOTICE: No Further Action**

### **Reference WC – ENQ00278**

#### **Subject Member**

Councillor Trevor Carbin – Wiltshire Council

#### **Complainant**

Mr Roger & Mrs Carol Kirk

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

Mr Paul Taylor

#### **Independent Person**

Ms Caroline Baynes

#### **Review Sub-Committee**

Cllr Gordon King  
Cllr Graham Wright  
Cllr Peter Fuller  
Mr Philip Gill (non-voting)

#### **Decision Date**

19 January 2018

#### **Issue Date**

1 February 2019

#### **Complaint**

The Complaint relates to the conduct of Councillor Carbin (the Subject Member), in his capacity as a member of Wiltshire Council, regarding his decision to call in the Complainants' planning application 17/06040/FUL, submitted in July 2017. The Complaint is that the Subject Member breached the code of conduct in the following ways:

- He did not act solely in the public interest in that he did not remain neutral but rather conferred a disadvantage on the Complainant by “objecting” to the Complainant’s Planning application (paragraph 1 of the code);
- He failed to make a decision on the merits when he sent in his “letter of objection” (paragraph 3 of the code);
- He failed to be accountable for his decisions when he disclosed details of other planning applications (paragraph 4 of the code).

## **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.

### Conclusion

The complaint revolves around what the Complainant refers to as a ‘letter of objection’ from the Subject Member. This was in fact a request for a call in by a division member, and a recognised process set out in Wiltshire Council’s constitution.

The Deputy Monitoring Officer had concluded that the Subject Member was and is the ward member in which the planning application related. The Subject Member had exercised his right to call in the application for it to be determined by the committee. Neither the decision of the committee nor the recommendation of professional planning officers was influenced by the call in. The call in merely determines who should make the final decision (officer or committee).

The decision of the Subject Member to exercise his right to “call in” the application was not, therefore, something that could constitute a breach of the Code.

The Review Sub-Committee agreed with the decision and reasoning of the Deputy Monitoring Officer.

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 the Complainants’ comments about the conduct of the Planning Officer who had dealt with their planning application. This would be a matter for the Council’s corporate complaints process and it was understood that such a complaint had been made.

### **Additional Help**

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