

DECISION NOTICE: NO FURTHER ACTION

Reference WC-ENQ00049

Subject Member

Cllr Phillip Whalley - Corsham Town Council and Wiltshire Council

Complainant

Robert Reed

Review Sub-Committee

Cllr Glenis Ansell - Chairman
Cllr Ernie Clark
Cllr Julian Johnson

Deputy Monitoring Officer

Frank Cain

Independent Person

Caroline Baynes

Complaint

- 1) The complainant alleges that Councillor Whalley had breached Wiltshire Council's Code of Good Practice for planning ("the Planning Code"). The Planning Code does not form part of the Code of Conduct for Members.
- 2) The complainant has explained that he considers that the allegations, if proven, would breach Paragraph 5 of Wiltshire Council's Code of Conduct for Members, which states that "you must be as open as possible about your decisions and actions and the decisions and actions of your authority, and should be prepared to give reasons for those decisions and actions".
- 3) The complainant cites four occasions on which he considers Councillor Whalley to have breached the Planning Code.
- 4) The first occasion was on the 9 October 2013 at a meeting of the Corsham Town Council Planning Committee. It is alleged that Councillor Whalley indicated to the Committee that when planning application 13/04055/FUL came before Wiltshire Council for consideration, it would be approved, and that this swayed the Committee to recommend planning permission without voting on the application. The complainant considers that this represented a breach of paragraph 5.3 of the Planning Code.

- 5) The second occasion was at a meeting of the Corsham Town Council Planning Committee on the 13 August 2014, when it is alleged that Councillor Whalley spoke and voted in favour of planning application 14/03084/FUL, which is a modification of the planning application referred to in the previous paragraph. The complainant considers this to be a breach of paragraph 5.3 of the Planning Code.
- 6) The third occasion was at a meeting of the Northern Area Planning Committee of Wiltshire Council on the 16 July 2014, when it is alleged that Councillor Whalley failed to declare his membership of Corsham Town Council and proceeded to speak in relation to planning application 14/03084/FUL, recommending the application be deferred.
- 7) The fourth occasion was at a meeting of the Northern Area Planning Committee of Wiltshire Council on the 17 September 2014, when it is alleged firstly that Councillor Whalley failed to disclose his membership of Corsham Town Council before speaking in favour of planning application 14/0308/FUL. It is further alleged that at the same meeting Councillor Whalley contradicted his views about application 14/04055/FUL as expressed at the Corsham Town Council Planning Committee on the 9 October 2014, in that he would now have voted against that application.

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 of the Standards Committee has decided:

- To take no further action in respect of this complaint.

Reasons for Decision

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, that the member was in office at the time of the alleged incident and that the Code was in force at the relevant time.

In making their decision, the Review Sub-Committee considered the following documents:

- The original complaint and supplementary information submitted by the complainant;
- the response of the subject member;
- additional information contained within the complainant's request for a review of the initial assessment decision;
- the Initial Assessment decision of the Deputy Monitoring Officer

In considering the complaint and reviewing the information available and having considered all the facts before them, the Sub-Committee upheld the reasoning and decision of the Deputy Monitoring Officer.

They did not consider that any of the matters set out in the complaint in relation to the allegations regarding the meetings of Corsham Town Planning Committee on 9 October and 13 August 2014, if proven, would be capable of breaching the code. They considered the same reasoning applied regarding the allegations relating to Councillor Whalley changing his opinion on an application between meetings of the Wiltshire Northern Area Planning Committee and Corsham Town Planning Committee.

The Sub-Committee upheld the decision of the Deputy Monitoring that alternate resolution by way of additional training was the appropriate decision regarding the allegation that Councillor Whalley had not declared his membership of the Corsham Town Planning Committee at meetings of the Wiltshire Northern Area Planning Committee. They further resolved that this training should be made available or distributed to all unitary members, to clarify their obligations under the Code of Conduct even though there was no statutory expectation to make such a declaration.

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 Disability Discrimination Act 2000.

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

DECISION NOTICE: NO FURTHER ACTION

Reference WC-ENQ00056

Subject Member

Cllr Phillip Whalley - Corsham Town Council and Wiltshire Council

Complainant

Charles Todd

Review Sub-Committee

Cllr Glenis Ansell - Chairman
Cllr Ernie Clark
Cllr Julian Johnson

Deputy Monitoring Officer

Frank Cain

Independent Person

Caroline Baynes

Complaint

- 5) That at a meeting of Corsham Town Council's Planning Committee on the 9 October 2013, Councillor Whalley influenced the Committee's decision to support planning application 13/04055/FUL by stating that he could foresee how the application would be decided by the Northern Area Planning Committee, in breach of the general principles of openness, integrity and honesty set out in the council's Code of Conduct for members. It is also alleged that this demonstrates bias and predetermination, which the complainant alleges also represents a breach of the Code of conduct.

- 6) That at a meeting of the Northern Area Planning Committee on 17 September 2014 Councillor Whalley stated that he would not have supported planning application 13/04055/FUL or a revised application (13/04055/FUL). It is alleged that this breaches the Code of Conduct's general principles of integrity and honesty.

- 7) That at the meeting of the Northern Area Planning Committee on 17 September 2014 Councillor Whalley failed to disclose that he had voted to support planning application 14/03084/FUL when it was considered by Corsham Town Council's Planning Committee on 13 August 2014. It is alleged that this breaches the Code of Conduct in relation to the principle of openness.

- 8) That at meetings of Corsham Town Council planning committee Councillor Whalley failed to declare his membership of the Northern Area Planning Committee prior to participating in debates on planning matters. Similarly, that at meetings of the Northern Area Planning Committee on the 16 July
- 9) 2014 and the 17 September 2014, he failed to declare his membership of Corsham Town Council's planning committee before participating in debate on planning matters that had been before the town council's planning committee.
- 10) That at a meeting of the Northern Area Planning Committee Councillor Whalley referred to notes, which the complainant considers demonstrates that Councillor Whalley was prepared to counter objectors' arguments, and was not therefore approaching the debate with an open mind.

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 of the Standards Committee has decided:

- To take no further action in respect of this complaint.

Reasons for Decision

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, that the member was in office at the time of the alleged incident and that the Code was in force at the relevant time.

In making their decision, the Review Sub-Committee considered the following documents:

- The original complaint and supplementary information submitted by the complainant;
- the response of the subject member;
- additional information contained within the complainant's request for a review of the initial assessment decision;
- the Initial Assessment decision of the Deputy Monitoring Officer

In considering the complaint and reviewing the information available and having considered all the facts before them, the Sub-Committee upheld the reasoning and decision of the Deputy Monitoring Officer.

The Sub-Committee upheld the decision of the Deputy Monitoring that alternate resolution by way of additional training was the appropriate decision regarding the allegation that Councillor Whalley had not declared his membership of the Corsham Town Planning Committee at meetings of the Wiltshire Northern Area Planning Committee. However, they further resolved that this training should be made available

or distributed to all unitary members, to clarify their obligations under the Code of Conduct even though there was no statutory expectation to make such a declaration.

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 Disability Discrimination Act 2000.

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

DECISION NOTICE: NO FURTHER ACTION

Reference WC-ENQ00057

Subject Member

Cllr Phillip Whalley - Corsham Town Council and Wiltshire Council

Complainant

Amanda Pillinger

Review Sub-Committee

Cllr Glenis Ansell - Chairman

Cllr Ernie Clark

Cllr Julian Johnson

Deputy Monitoring Officer

Frank Cain

Independent Person

Caroline Baynes

Complaint

- 1) The complainant alleges that at a meeting of Wiltshire Council's Northern Area Planning Committee on 17 September 2014 Councillor Whalley spoke in support of planning application 14/03084/FUL, but told the committee that he would not have supported a previous version of the planning application (13/04055/FUL). However, he had supported that application when it came before the planning committee of Corsham Town Council on 9 October 2013. The complainant considers that this statement was misleading, and was capable of breaching the general principles requirements of Code of Conduct for members to have regard to selflessness, integrity, objectivity, accountability, openness, honesty and leadership. She also considers it to be a breach of Paragraph 5 of the Code of Conduct, which states that members must be as open as possible about their decisions and the decisions and actions of their authority, and should be prepared to give reasons for those decisions and actions.
- 2) The complainant alleges that at the meeting of the Town Council meeting on 9 October 2013, Councillor Whalley breached The Planning Code of Good Practice and demonstrated bias and predetermination by indicating to the town council's planning committee that he considered that the planning application "would be bound to be approved" when it came before Wiltshire Council's Northern Area Planning Committee.

- 3) The complainant alleges that Councillor Whalley failed to declare his membership of Corsham Town Council's planning committee when planning application 14/03084/FUL came before meetings of the Northern Area Planning Committee on the 16 July and 17 September 2014, and that this was a breach of 5.3 of the Planning Code of Good Practice, in that it represented bias/predetermination.
- 4) That at a meeting of the Northern Area Planning Committee on the 17 September 2014 Councillor Whalley, in speaking on planning application 13/04055/FUL, referred to prepared notes and used similar arguments to counter objections to those he had used when supporting the same application at a meeting of the Corsham Town Council planning committee on the 13 August 2014. The complainant considers that this demonstrates that Councillor Whalley did not approach the meeting with an open mind, in breach of 9.4 of the Planning Code of Good Practice.

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 of the Standards Committee has decided:

- To take no further action in respect of this complaint.

Reasons for Decision

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, that the member was in office at the time of the alleged incident and that the Code was in force at the relevant time.

In making their decision, the Review Sub-Committee considered the following documents:

- The original complaint and supplementary information submitted by the complainant;
- the response of the subject member;
- additional information contained within the complainant's request for a review of the initial assessment decision;
- the Initial Assessment decision of the Deputy Monitoring Officer

In considering the complaint and reviewing the information available and having considered all the facts before them, the Sub-Committee upheld the reasoning and decision of the Deputy Monitoring Officer.

The Sub-Committee upheld the decision of the Deputy Monitoring that alternate resolution by way of additional training was the appropriate decision regarding the allegation that Councillor Whalley had not declared his membership of the Corsham Town Planning Committee at meetings of the Wiltshire Northern Area Planning

Committee. However, they further resolved that this training should be made available or distributed to all unitary members, to clarify their obligations under the Code of Conduct even though there was no statutory expectation to make such a declaration.

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 Disability Discrimination Act 2000.

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