

## **DECISION NOTICE: No further action**

Reference WC-ENQ00140-147

### **Subject Members**

The Members of Wilcot and Huish with Oare Parish Council:

Dee Nix  
Chris Bartlett  
Dawn Wilson  
Nicky Fleet  
Prue Smith  
Richard Fleet  
Belinda Lawson  
Len Giddings

### **Complainants**

David Coupland and Patricia Stephenson

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

Mr Paul Taylor

### **Independent Person**

Mrs Caroline Baynes

### **Review Sub-Committee**

Cllr Desna Allen (Chairman)  
Cllr Dennis Drewett  
Cllr John Smale  
Mr John Scragg (Non-Voting)

### **Complaint**

The complaint alleges breaches of the Wilcot and Huish with Oare Code of Conduct in that the named Councillors have:

- Failed to promote and maintain high standards of behaviour.
- Failed to uphold the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (the Nolan Principles).
- Failed to show respect for the complainants, the complainants' family or parishoners generally.
- Acting jointly or severally bullied or intimidated the complainants.

- Failed to use the resources of the Council in accordance with the Council's requirements

## **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 in respect of this complaint

## **Reasons for Decision**

The Sub-Committee went through the initial tests required by the local assessment criteria, and agreed with the assessment of the Deputy Monitoring Officer that the complaint related to the subject members, that they were in office at the time of the alleged incident, and were acting in their capacities as councillors. They therefore then had to determine whether the remaining assessment criteria were met and, if so, whether the matters alleged in the complaint were, if proven, capable of breaching the Code of Conduct of the Parish Council.

In reaching its decision the Sub-Committee relied upon the original complaint and supporting information, the response of the subject members, the initial assessment and the additional information submitted by the Complainants in their request for a review of the initial decision to take no further action. They also took into account the comments made by the complainants and the three subject members ( Dawn Wilson, Richard Fleet and Nicky Fleet) who attended the review sub-committee meeting.

The Deputy Monitoring Officer had identified that the complaint related to the account of the Annual General Meeting of the Parish Council on 26 May 2015 and the minutes arising thereof. In their initial submission the complainants had referenced the minutes of subsequent meetings on 5 August 2015, 10 November 2015 and 14 January 2016 and in their request for review the complainants had also referred to the point that the minutes of the last meeting has not been published until February 2016. The complaint itself was dated 9 March 2016.

As detailed by the Deputy Monitoring Officer, paragraph 3.1 of the local assessment criteria requires that a complaint against a member must be made within 20 days of the date on which the complainant became aware of the matter giving rise to the complaint. The principal complaint related to comments made by the subject members at the meeting of the Parish Council on 26 May 2015, although reference was also made to discussion of related issues at other meetings on 5 August 2015, 10 November 2015 and 14 January 2016. The references in the complaint were, therefore, to actions or comments made that occurred (and which the complainants were aware of) more than 20 working days before the complaint was submitted.

The Sub-Committee therefore accepted the reasoning of the Deputy Monitoring Officer that the complaint was required to be dismissed due to being submitted out of time.

However, notwithstanding its decision to dismiss the complaint for the reason stated above, for the avoidance of doubt the Sub-Committee decided to assess the complaint to address how it would have determined it had it been submitted within the required timescales.

From the submissions of all parties it was apparent there were ongoing disputes between the complainants and the Parish Council in relation to alleged breaches of planning conditions at the complainants' publican business. The existence of any breaches was strongly disputed by the complainants, who alleged in turn that the behaviour of the subject members in the manner and repetition of raising concerns without substance, in their view, was conduct which was in breach of the relevant Code of Conduct, and in particular the seven Nolan Principles on standards in public life.

The issue therefore came down to whether, in raising and discussing the concerns regarding the complainants at a public parish council meeting and subsequently publishing minutes of those discussions, the subject members' behaviour was in breach of the Code. It was not within the remit of the Sub-Committee or the standards regime to determine the veracity of any allegations of planning breaches.

It was felt that while the complainants were in dispute with the Parish Council over the number and provenance of alleged concerns regarding their business, the existence of such concerns, whether they were valid or not, would be a relevant topic to be raised and discussed at a parish council meeting. The Sub-Committee therefore had to consider if the subject members through specific behaviours had breached the Code when raising the topic. The Sub-Committee could not consider the merits of any actual resolution of the parish council, as that was not a code of conduct issue.

After consideration, the Sub-Committee determined that on the evidence as presented the decision to discuss the alleged breaches, and thus the requirement to publish minutes relating them, in open session, was a procedural matter not a code of conduct matter. While the complainants were understandably aggrieved by what they regard as unfounded comments, merely raising them at a parish council meeting in the way that had been done here was not in itself a breach of a code of conduct.

The Sub-Committee therefore upheld the reasoning and the initial assessment decision of the Deputy Monitoring Officer to dismiss the complaint. However, they were also supportive of the recommendation to make the Associate Director of Economy and Planning (who has responsibility for Development Management) aware of the issues ongoing in the parish, and to ask that he review the issues and assist in coming to a resolution between the complainants and subject members.

### **Additional Help**

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## **DECISION NOTICE: No further action**

**Reference WC-ENQ00138**

**Subject Member**

Cllr Richard Clewer, Wiltshire Council

**Complainant**

Mrs Sarah Cookson

**Representative of the Monitoring Officer**

Mr Paul Taylor

**Independent Person**

Mrs Caroline Baynes

**Review Sub-Committee**

Cllr Desna Allen (Chairman)  
Cllr Dennis Drewett  
Cllr John Smale  
Mr John Scragg (Non-Voting)

**Complaint**

That the subject member on or after 17 February breached Wiltshire Council's Code of Conduct (paragraphs 4 and 5) by failing to respond to email queries sent by the complainant on 25 January 2016, 27 January 2016 with a reminder email on 17 February 2016.

**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 in respect of this complaint

## **Reasons for Decision**

The Sub-Committee went through the initial tests required by the local assessment criteria, and agreed with the assessment of the Deputy Monitoring Officer that the complaint related to the subject member, that he was in office at the time of the alleged incident, and was acting in his capacity as a councillor. They therefore then had to determine whether the remaining assessment criteria were met and, if so, whether the matters alleged in the complaint were, if proven, capable of breaching the Code of Conduct of the Council.

In reaching its decision the Sub-Committee relied upon the original complaint and supporting information, the response of the subject member, the initial assessment and the additional information submitted by the complainant in their request for a review of the initial decision to take no further action.

The complaint had arisen following email communication between the subject member and the complainant on a matter of council policy. There had been a series of exchanges which had also included officer communication to the complainant. The complainant remains dissatisfied with the responses she had received as well as what she feels was failure to respond in respect of certain queries, and that this was disrespectful and constitutes a breach of the Code of Conduct.

Regardless of whether Cllr Clewer had or had not provided the complainant with answers to her queries, the Sub-Committee had to consider whether a purported failure to do so would amount to a breach of the Code of Conduct. As raised in the Initial Assessment and noted by the complainant in their request for a review, Paragraphs 4 and 5 of the Code relate to being accountable and open for decisions taken by a subject member. Although the complainant disputed Cllr Clewer's statement in response to the complaint that he had made a series of responses, and would ensure to always reply electronically in future, he had not taken any decisions, and Paragraphs 4 and 5 therefore did not apply.

The Sub-Committee therefore upheld the reasoning and the initial assessment decision of the Deputy Monitoring Officer to take no further action in respect of the complaint. While the alleged behaviour, if proven, might be disrespectful, it would not be capable of breaching the Code of Conduct, and as such there was no justification or it to be referred for investigation.

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