

## **DECISION NOTICE: NO FURTHER ACTION**

### **Reference WC - ENQ00161**

#### **Subject Member**

Councillor Mike Hewitt, Wiltshire Council

#### **Complainant**

Mrs Gaenor Nokes

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

Mr Paul Taylor

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

Councillor Howard Greenman - Chairman

Councillor Ian Thorn

Councillor Ernie Clark

#### **Independent Person**

Mrs Caroline Baynes

#### **Complaint**

The complainant alleges that Councillor Hewitt, at a meeting of Winterbourne Parish Council held on 15 June 2016, behaved in a rude and aggressive manner towards her and thereby breached paragraphs 1 (did not act solely in the public interest and conferred a disadvantage on the complainant) , 4 (failed to be accountable for his decisions or failed to co-operate with whatever scrutiny was suitable for his office) and 5 (failed to be as open as possible by his decisions or actions) of the 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 that no further action will be taken in respect of this complaint.

#### **Reasons for the Decision**

##### Preamble

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 and that the member was in office at the time of the alleged incidents and remains a member of Wiltshire Council. A copy of the appropriate Code of Conduct was also supplied 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, was it appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision, the Sub-Committee took into account the complaint, 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 the verbal representation made at the Review by the subject member.

### Decision Reasoning

The allegation was that the subject member had behaved inappropriately at a meeting of Winterbourne Parish Council, to the extent of breaching the Code of Conduct.

While the Sub-Committee felt that the situation could have been better handled, in considering the evidence the Sub-Committee noted that the subject member had offered several apologies for the manner of his intervention at the parish council meeting both in writing and in person to the complainant.

The Sub-Committee therefore agreed with the reasoning of the Deputy Monitoring Officer that even if the alleged actions could, if proven, be a breach of the Code of Conduct, as detailed in paragraph 5 of the local assessment criteria it should not be referred for investigation as both an apology and a reasonable explanation of the issues had been offered to the complainant and Sub-Committee.

### **Additional Help**

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

## **DECISION NOTICE: NO FURTHER ACTION**

### **Reference WC - ENQ00170**

#### **Subject Member**

Councillor Philip Whitehead, Wiltshire Council

#### **Complainant**

Councillor Nicholas Fogg MBE, Wiltshire Council

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

Mr Paul Taylor

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

Councillor Howard Greenman - Chairman

Councillor Ian Thorn

Councillor Ernie Clark

#### **Independent Person**

Mrs Caroline Baynes

#### **Complaint**

The Complainant alleges that the Subject Member has failed to deal adequately, fairly and responsibly with the application of the Marlborough Arts Association for street closures, on grounds of public safety, on 16 July 2016 in that he predetermined his attitude to the said application without regard to the appropriate procedures of consultation, historic advice or authoritative evidence.

The Complainant considers that the Subject Member has breached paragraphs 1, 2, 4, 5 and 7 of Wiltshire Council's Code of Conduct which are set out below.

*When acting in your capacity as a member or co-opted member:*

- 1) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.*
- 2) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.*
- 4) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.*
- 5) 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.*
- 7) You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.*

*Members of Wiltshire Council will have regard to the Roles and Responsibilities of Wiltshire Councillors according.*

### **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 that no further action will be taken in respect of this complaint.

### **Reasons for the 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 and that the member was in office at the time of the alleged incidents and remains a member of Wiltshire Council. A copy of the appropriate Code of Conduct was also supplied 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 they would be a breach, was it appropriate under the assessment criteria to refer the matter for investigation.

In reaching its decision The Sub-Committee took into account the complaint and the response of the subject member together with the initial assessment of the Deputy Monitoring Officer to take no further action. They noted in particular the conclusions of the Deputy Monitoring officer that much of the complaint related to the merits of the Executive decision, which had been taken by a different member of the Executive, and his finding that the behaviour of the subject member in discussing and assessing the issues prior to that decision had not been capable of breaching the Code.

The Sub-Committee also took into account the additional information supplied in the complainant's request for a review and the verbal representation made at the Review by the subject member.

Considering all the evidence that had been submitted by the parties, the Sub-Committee was in agreement with the reasoning of the Deputy Monitoring Officer that none of the allegations would, if proven, amount to a breach of the Code of Conduct.

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