

DECISION NOTICE: NO FURTHER ACTION

Reference WC - ENQ00200

Subject Member

Councillor Roy While, Wiltshire Council

Complainant

Mr Phil Chipper

Representative of the Monitoring Officer

Mr Paul Taylor

Review Sub-Committee

Councillor Gordon King - Chairman

Councillor Graham Wright

Councillor Peter Evans

Independent Person

Mrs Caroline Baynes

Decision Issued: 20 June 2017

Complaint

The complainant alleges that Councillor While, whilst Campus SCOB chairman, appointed the Christie Miller bowls chairman as the sole representative of dry sports on the campus SCOB, and that Councillor While either intended or at least allowed, that single person to be able to benefit over and above anyone else in specifying how the public money was to be used to provide the dry sports facilities at the new campus.

The complainant further alleges that Councillor While also sought to prevent the people he represented from knowing these important facts by either, failing to publish all of the relevant material, or by actively suppressing any opportunity for public scrutiny, thereby breaching, in whole or part, of paragraphs, 1, 3, 4, and 5, of the Wiltshire Council Members 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 be taken in respect of the 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 incident 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, as well as written submissions from the complainant, who was not in attendance.

Decision Reasoning

The complaint related to the subject member's tenure as Chairman of the Shadow Community Operations Board (SCOB) which had consulted and advised on options for the development of a Melksham Campus, and what were regarded by the complainant as errors in the outcomes of and within the processes of the Campus project.

As had been clarified by the Deputy Monitoring Officer in his initial assessment, the SCOB were an advisory body with community membership, without decision making authority in respect of the Campus programme. The decision maker was the Cabinet of Wiltshire Council, and while it would be the case that the views of the SCOB were influential, the SCOB could not and did not make the final decisions in relation to the Melksham Campus. As documents included by the complainant in their request for a review showed, the Cabinet received reports from Area Boards, who had reports from SCOBs, but the Cabinet took the final decisions. If failings existed or continued to exist with the campus project, the mere existence of those failings would not in itself be capable of being a breach of a Code of Conduct, which related to behaviour an individual member or members, but would be the responsibility of the decision-making body.

In response to points raised in the request for a review of the initial assessment decision, it was also noted that details being withheld from council reports, or discussed in confidential session at an otherwise public council meeting, could not simply be requested by any member of a council. It was therefore not possible that the subject member could have breached the Code simply because certain information was not publicly accessible when the decisions were taken.

Therefore, the Sub-Committee were satisfied that none of the allegations, if proven, were capable of breaching the Code of Conduct. This was irrespective of the other reason for dismissal from the Deputy Monitoring Officer, which was that the complaint had been submitted well beyond the limit in the assessment criteria of 20 working days from the date the complainant became aware, or ought to reasonably have become aware, of the matters giving rise to the complaint. The matters in this case related to 2015 and earlier, with the complaint submitted on 1 March 2017. The Sub-Committee did not consider that there were any exceptional circumstances in this case to justify an extension to the usual time limits.

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