

DECISION NOTICE: NO FURTHER ACTION

Reference WC - ENQ00231

Subject Member

Cllr Horace Prickett – Wiltshire Council

Complainant

Mr Jasper Selwyn

Representative of the Monitoring Officer

Mr Paul Taylor

Independent Person

Mr Stuart Middleton

Review Sub-Committee

Cllr Peter Hutton - Chairman
Cllr Anna Cuthbert
Cllr Graham Wright

Issue Date

21 February 2018

Complaint

The complainant alleges that the Subject Member has not responded to his emails requesting information about how changes to a bus service reflect the Council's policy and is therefore in breach of paragraphs 4 and 5 of Wiltshire Council's 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 has decided to take no further action.

Reasons for 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 the alleged incident and remains a member of Wiltshire Council. A copy of the relevant Code of Conduct was 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 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 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 complainant. The subject member was not in attendance.

Conclusion

The complaint related to a series of requests for information from the Subject Member in their capacity as Portfolio Holder for Transport. The complainant considered that the failure to respond to these requests amounted to a breach of the Code.

The Deputy Monitoring Officer in his assessment had noted that paragraphs 4 and 5 of the Code relate specifically to decisions taken by subject members, and therefore did not apply in the alleged circumstances. However, the Sub-Committee considered that the question before them was whether a failure to respond to requests for information was, in addition to obvious discourtesy, of such a level as to amount to a breach of the requirements under the Code to promote and maintain high standards of conduct and abide by the Nolan Principles of conduct in public life.

The Sub-Committee agreed with the reasoning of the Deputy Monitoring Officer that a failure to respond as alleged was a matter of disrespect and additionally that it would be disappointing behaviour for any elected member. Nevertheless, they did not consider that a failure to respond, however discourteous, was in itself capable of being sufficiently serious as to constitute a breach of the Code. They therefore resolved that no further action be taken in respect of the complaint.

The Sub-Committee did note, however, that it appeared the complainant had still not been furnished with the information he had been seeking, and considered that the matter should be referred to the appropriate officers who would respond accordingly.

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