

DECISION NOTICE: REFER FOR INVESTIGATION

Reference WC - ENQ00265

Subject Member

Cllr Gary Mansell – Bishops Cannings Parish Council

Complainant

Miss Alison Kent

Representative of the Monitoring Officer

Mr Sukdave Ghuman

Independent Person

Mr Tony Drew

Review Sub-Committee

Cllr Fred Westmoreland - Chairman

Cllr Peter Evans

Cllr George Jeans

Mr Richard Baxter (non-voting)

Decision Date

14 November 2018

Issue Date

26 November 2018

Complaint

The complainant alleges that Councillor Mansell (the Subject Member) failed to properly declare a conflict of interest concerning the appointment of the new Parish Clerk, Mrs Sharon Bensi. The Complainant alleges that given the Subject Member's personal relationship with the clerk and previous business dealings with her, he should have recused himself from participating on the interview panel. The Complainant also alleges that the Subject Member ignored the parish council's financial regulations when purchasing a laptop and mobile phone for the new clerk. The Complainant also

complains that he continually shouted her down and ignored advice given by her and held illegal parish council meetings.

The Complainant has alleged that in doing so the Subject Member has breached paragraphs 1,2 ,5 ,6 ,8 and 9 of the Bishops Cannings 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 determined to refer the complaint for investigation.

Reasons for Decision

Preamble

The complaint was initially assessed by a representative of the Monitoring Officer on 4 September 2018 with a decision issued the same day to refer the complaint for investigation. A Review Sub-Committee was convened at the request of the Subject Member on 12 October 2018, which issued a decision on 16 October 2018 to uphold that initial assessment.

Subsequent to the decision the Subject Member informed all parties that he had resigned from Bishops Cannings Parish Council. Under the assessment criteria for complaints in reflection of relevant law, no longer being an elected member was not in itself an automatic reason for not proceeding with an investigation. The Monitoring Officer therefore requested another Review Sub-Committee consider whether or not an investigation into the allegations should go ahead.

In reaching its decision, the Sub-Committee took into account the complaint and supporting documentation, the response of the Subject Member, the initial assessment of a representative of the Monitoring Officer to refer the matter for investigation, the Subject Member's request for a review, the decision of the initial Review Sub-Committee and a written statement from the complainant. Neither party was in attendance.

Conclusion

The Review Sub-Committee carefully considered the public interest in proceeding with an investigation in light of the Subject Member's resignation, particularly given the requirement to consider the public interest in the efficient use of resources. The initial Review Sub-Committee had considered that given the nature of the allegations it was in the interests of both parties to investigate the allegations so that the facts could be established.

The Review Sub-Committee took into account the nature of the allegations, and that the complaint appeared to be the subject of local comment. On balance they considered that it remained in the interests of all parties and the community for a final determination

to be made on the truth, or not, of the allegations, and therefore it was resolved that an investigation should proceed.

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 Equality Act 2010.

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