

DECISION NOTICE: No Further Action

Reference WC – ENQ00282

Subject Member

Councillor Simon Richardson – Staverton Parish Council

Complainant

Mr Roger & Mrs Carol Kirk

Representative of the Monitoring Officer

Mr Paul Taylor

Independent Person

Mr Tony Drew

Review Sub-Committee

Cllr Howard Greenman
Cllr Ruth Hopkinson
Cllr Stuart Wheeler (Chairman)
Mr Michael Lockhart (non-voting)

Decision Date

1 May 2019

Issue Date

3 May 2019

Complaint

The complainant alleges that the Subject Member has breached paragraph 5 of the Staverton Parish Council Code of Conduct in that in July 2017 the Parish Council sent a Notice of Objection to Wiltshire Council as Local Planning Authority (the LPA) stating "*we have already been misled by the applicants (the complainant and his wife) ...*" and that the Subject Member has failed to give reasons for making such an allegation when asked to do so.

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 to take no further action.

Reasons for Decision

Preamble

The Sub-Committee were satisfied that the initial tests of the Assessment Criteria had been met, being that the member was and remains a member of Staverton Parish Council, and that a copy of the relevant Code of Conduct was provided 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, whether it was 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 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 a verbal statement from the Complainant at the meeting. The Subject Member was not in attendance.

Conclusion

The complaint revolves around comments made by the parish council to Wiltshire Council regarding a planning application the applicant had submitted. The Deputy Monitoring Officer had concluded that as the comments had been signed by the parish clerk as a collective decision of the parish council, the standards regime had no jurisdiction to consider the complaint. Additionally, as the matters occurred in July 2017 and the complaint made in October 2018, this was well beyond the limit set within the arrangements in Protocol 12 of the Constitution that a complaint must be submitted within 20 days of when the complainant became aware, or ought reasonably to have become aware, of the matters giving rise to complaint. No reason was provided to justify making an exception to that rule, and the Sub-Committee agreed with the reasoning of the Deputy Monitoring Officer to dismiss the complaint for reasons above.

Notwithstanding this, however, the Deputy Monitoring Officer and subsequently also the Sub-Committee, for the avoidance of doubt decided to set out how they would have determined the case had it been submitted within time and within its jurisdiction.

It was clear from the papers provided that there had been a series of miscommunications or misunderstandings between the complainants and the parish council, including the Subject Member, regarding the planning application which had been submitted by the complainants, and the level of and nature of local support or objection toward it. Whilst the views of a parish council are not determinative for a

planning application, the complainants had sought to secure support from the parish council to the decision makers, Wiltshire Council.

Having been under the assumption there were no local objections to the application in question the parish council initially supported the proposals, and changed their minds when subsequent planning objections were raised with them. As noted by the Deputy Monitoring Officer, this had unfortunately included wording which appeared to cast blame on the complainants.

The Deputy Monitoring Officer had concluded, and the Sub-Committee agreed, that although the wording, and others mentioned at the meeting by the complainant, was unwise and unhelpful, it being a collective decision it was not felt these rose to a level of a breach of the Code by the Subject Member.

Nevertheless, the Sub-Committee also endorsed the suggestion of the Deputy Monitoring Officer that the parish council consider a clarification statement to their formal objection which included the personal comments regarding the complainants.

It was therefore resolved to uphold the decision of the Deputy Monitoring Officer to take no further action in respect of the complaint.

Additional Help

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