

DECISION NOTICE: REFER FOR INVESTIGATION

Reference WC – 24/14

Subject Member

Councillor Simon Killane – Wiltshire Council and Malmesbury Town Council

Complainant

Mrs Julie Exton

Review Sub-Committee

Cllr Desna Allen - Chair
Cllr Dennis Drewett
Cllr Horace Prickett

Deputy Monitoring Officer

Mrs Nina Wilton

Independent Person

Mrs Caroline Baynes

Complaint

That Councillor Killane breached the Code of Conduct in that he has not followed the requirements contained within the roles and Responsibilities of Councillors (appendix 1 of the Code of Conduct) and the Behaviours framework (appendix 2 of the Code of Conduct).

The complainant has provided comprehensive documentation in support of her complaint but has failed to provide specific links between the alleged breaches of these two codes and the factual basis for the allegations. The Deputy Monitoring Officer has identified, from the documentation supplied by the complainant, four circumstances that the complainant appears to be linked to the overall complaint.

1. A Malmesbury Town Council meeting on 15 April 2014 where it is alleged that the Subject Member launched into a tirade of shouting, pointing jabbing finger aggressively.

2. A telephone conversation whereby it is alleged that the Subject Member when seeking the support of another Member said if she didn't support him then he wouldn't support the Member for chair of committee or anything else on council.
3. At a Malmesbury Town Council meeting on 29 April moved for deferral of an application for grant funding for a local football team.
4. A face-book petition whereby the entries complain about some entries made on face book by Councillor Killane.

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 of the Standards Committee has decided:

- **To refer** the allegation relating to the Malmesbury Town Council meeting on 15 April 2014 to the Monitoring Officer for investigation as a potential breach of the Code of Conduct for failing to promote and support high standards of public office.
- **Not to refer** the allegation relating to the telephone discussion on the 18 April 2014 (behaviour) for investigation – no further action will be taken on this element of the complaint.
- **Not to refer** the allegation relating to the Town Council meeting of 29 April 2014 (funding application) for investigation. No further action will be taken on this element of the complaint.
- To take no further action in respect of the allegations relating to the petition.

Reasons for Decision

Upon going through the initial tests, it was agreed that the complaint related to the conduct of a member, that the member was in office at the time of the alleged incident and that the Code of Conduct was in force at the relevant time.

Behaviour

With regard to the first element of complaint (Cllr Killane's alleged behaviour at a meeting of Malmesbury Town Council on 15 April 2014) the Sub-Committee considered that the allegation that Councillor Killane behaved aggressively to the complainant could, if proven, amount to a breach of the code of conduct on the basis that it could represent a failure to promote and support high standards in public office. They therefore refer this element of the complaint to the Monitoring Officer for investigation.

With regard to the second element of the complaint (relating to the phone call on 18 April 2014), the Sub-Committee concluded that an investigation would not

be able to reach a reliable conclusion as to the facts, and that the public interest would not therefore be served by referring the matter for investigation. They therefore determined that no further action should be taken on this element of the complaint.

With regard to the complaint about the deferral of a grant application by the football club, the Sub-Committee considered additional information provided by the subject member in his request for a review. The Sub-Committee considered that in his additional submissions Councillor Killane provided a detailed and reasonable explanation that a decision on the grant application should be deferred. They considered that the allegation, if proven, was not capable of breaching the code, and therefore determined that no further action should be taken on this element of the complaint.

With regard to the Facebook petition, the Sub-Committee upheld the decision of the Deputy Monitoring Officer for the initial assessment. They considered that if proven, the allegation is not capable of breaching the code, and that no further action should be taken on this element of the complaint.

Additional Help

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