

DECISION NOTICE: NO FURTHER ACTION

Reference WC – 44/14

Subject Member

Councillor Jonathon Seed – Wiltshire Council

Complainant

Mr Alistair Wright

Review Sub-Committee

Cllr Desna Allen - Chair
Cllr John Noeken
Cllr Glenis Ansell

Deputy Monitoring Officer

Mrs Nina Wilton

Independent Person

Mr Colin Malcolm

Complaint

That Councillor Seed breached paragraphs 3, 4 and 5 of the Code of Conduct. These paragraphs provide:

- 3) *When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit;*
- 4) *You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office;*
- 5) *You must be as open as possible about your decisions and actions and the decisions and actions of your authority, and should be prepared to give reasons for those decisions and actions.*

The complaint relates to the Councillor's involvement as a member of Wiltshire Council's Western Area Planning Committee which sat on 11 June 2014. The complainant alleges that Councillor Seed, as the Cabinet Member with responsibility for flooding matters, had a particular responsibility to go beyond the officer's report and the evidence presented to the Planning Committee before reaching his decision.

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 take no further action in respect of this complaint.

Reasons for Decision

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, that the member was in office at the time of the alleged incident and that the Code was in force at the relevant time.

In making their decision, the Review Sub-Committee considered the following documents:

- The original complaint and supplementary documents submitted by the complainant;
- the response of the subject member;
- additional information contained within the complainant's request for a review of the initial assessment decision;
- the officer's report submitted to the Western Area Planning Committee relating to planning application 13/06782/OUT: Boreham Road, Warminster;
- the minutes of the meeting of the Western Area Planning Committee held on 11 June 2014.

In considering the complaint and reviewing the information available and having considered all the facts before them, the Sub-Committee upheld the reasoning and decision of the Deputy Monitoring Officer.

They did not consider that any of the matters set out in the complaint, if proven, would be capable of breaching the code.

In particular they noted that it was reasonable for a Portfolio Holder, as with any other Committee Member, to rely upon the professional reports compiled by the appropriate officers when making a decision. They noted that the officer report and minutes of the meeting detailed the considerable extent of briefing and discussion that had taken place

Additional Help

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