

DECISION NOTICE: COMPLAINT DISMISSED

Reference WC-ENQ00010 (WC 10/14)

Subject Member

Councillor Andrew Roberts - Salisbury City Council

Complainant

Mr Eric Hart

Review Sub-Committee

Cllr Pip Ridout - Chairman

Cllr John Noeken

Cllr Dennis Drewett

Deputy Monitoring Officer

Frank Cain

Independent Person

Caroline Baynes

Complaint

The complainant alleges that Councillor Roberts refused to act on a formal complaint that Mr Hart submitted about an officer of Salisbury City Council.

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 dismiss the complaint.

Reasons for Decision

The Sub-Committee were satisfied the initial tests that should be completed before assessment of a complaint is commenced as detailed under the local assessment criteria were met and 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.

The Sub-Committee relied upon:

- The original complaint and the response from the subject member
- Initial assessment
- The additional information supplied in the complainant's request for a review of that initial assessment
- The Review Decision notice referring the matter for Investigation
- The Investigation Officer's report and complainant's comments on the report.
- The report and decision of the Monitoring Officer
- The request for review of the Monitoring Officer decision

The Sub-Committee upheld the reasoning of the Monitoring Officer following an investigation that no further action was required.

Having reviewed all the documentation, the Sub-Committee acknowledged that there had been delays in the processing of the complaint, but considered that the matter had been thoroughly investigated and supported the conclusion of that investigation as sound and reasonable on the evidence provided by all parties.

The Sub-Committee also acknowledged the complainant's stated concerns regarding the subject member's use of a franking machine from a solicitor's practice, but noted that this did not have a bearing on the allegation that the initial complaint had been properly investigated or the role of the subject member while dealing with that complaint, and as such was outside the scope of the review.

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 Disability Discrimination Act 2000.

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

DECISION NOTICE: COMPLAINT DISMISSED

Reference WC-ENQ00078

Subject Member

Councillor Pauline Lyons - Box Parish Council

Complainant

Mr Benedict Rigby

Review Sub-Committee

Cllr Pip Ridout - Chairman
Cllr John Noeken
Cllr Dennis Drewett

Deputy Monitoring Officer

Frank Cain

Independent Person

Caroline Baynes

Complaint

The complainant was the tenant of an allotment owned and administered by Box Parish Council. The parish council terminated the complainant's tenancy because they considered that he had breached the terms of his tenancy agreement.

The complainant considers that Councillor Lyons, in her capacity as Chair of the parish council, has been disrespectful and discourteous towards him by failing to overturn the parish council's decision to terminate the tenancy and in the manner in which the parish council terminated his tenancy.

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 dismiss the complaint.

Reasons for Decision

The Sub-Committee were satisfied the initial tests that should be completed before assessment of a complaint was commenced as detailed under the local assessment criteria were met and 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.

The Sub-Committee relied upon the original complaint and response from the subject member, initial assessment and the additional information supplied in the complainant's request for a review of that initial assessment.

The Sub-Committee upheld the reasoning of the Deputy Monitoring Officer in the Initial Assessment namely that the complaint related to an operational matter that would not, if proved, be capable of breaching the Code of Conduct.

The decision to terminate the complainant's tenancy and the manner of that termination was an operational decision of and dispute with the council, not a Code of Conduct issue relating to a specific member of the parish council.

If the complainant wishes to dispute a decision of the parish council over an operational matter, then this is for a Court to determine and it is not an appropriate subject matter for a code of conduct complaint.

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DECISION NOTICE: COMPLAINT DISMISSED

Reference WC-ENQ00079

Subject Member

Councillor Jennie Hartless - Box Parish Council

Complainant

Mr Benedict Rigby

Review Sub-Committee

Cllr Pip Ridout - Chairman
Cllr John Noeken
Cllr Dennis Drewett

Deputy Monitoring Officer

Frank Cain

Independent Person

Caroline Baynes

Complaint

The complainant was the tenant of an allotment owned and administered by Box Parish Council. The parish council terminated the complainant's tenancy because they considered that he had breached the terms of his tenancy agreement.

The complainant considers that Councillor Hartless, in her capacity as Chair of the Playing Fields Committee of the parish council, has been disrespectful and discourteous towards him by failing to overturn the parish council's decision to terminate the tenancy and in the manner in which the parish council terminated his tenancy.

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 dismiss the complaint.

Reasons for Decision

The Sub-Committee were satisfied the initial tests that should be completed before assessment of a complaint was commenced as detailed under the local assessment criteria were met and 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.

The Sub-Committee relied upon the original complaint and response from the subject member, initial assessment and the additional information supplied in the complainant's request for a review of that initial assessment.

The Sub-Committee upheld the reasoning of the Deputy Monitoring Officer in the Initial Assessment namely that the complaint related to an operational matter that would not, if proved, be capable of breaching the Code of Conduct.

The decision to terminate the complainant's tenancy and the manner of that termination was an operational decision of and dispute with the council, not a Code of Conduct issue relating to a specific member of the parish council.

If the complainant wishes to dispute a decision of the parish council over an operational matter, then this is for a Court to determine and it is not an appropriate subject matter for a code of conduct complaint.

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